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ABSTRACT

To determine the state of the system of justice, identify its major problems, and asses some of its more promising developments, this comprehensive report presents the results of a literature search on crime and justice in American society. Compiled by a university professor, this monograph is one of a series intended to encourage the exchange of views on current issues and directions in the area of crime and delinquency, promote in-depth analyses, and develop pertinent insights and recommendations. Empirical evidence suggests that crime control is better served by informal sanctions than by the formal procedures of arrest, conviction, and punishment. Sociological and criminological theories of deviant behavior are detailed. Law enforcement procedures and correctional institutions are discussed, focusing on the roles of the police, the courts, and the community. Innovative training for the change agents involved in crime control and the planning and implementation of improved correctional systems are two major recommendations of this research study. A wide range of tables present the data, and extensive bibliographies are included. (AG)

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Crime and Justice: American Style

by

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University of Washington

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This monograph is one of a series on current issues and directions in the area of crime and delinquency. The series is being sponsored by the Center for Studies of Crime and Delinquency, National Institute of Mental Health, to encourage the exchange of views on issues and to promote in-depth analyses and development of insights and recommendations pertaining to them.

This monograph was written by a recognized authority in the subject matter field under contract number NIH 69–1126 from the National Institute of Mental Health. The opinions expressed herein are the views of the author and do not necessarily reflect the official position of the National Institute of Mental Health or the Department of Health, Education, and Welfare.

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Preface

This report presents the results of a literature search on crime and justice in American society. The search was conducted in the Summer of 1969 under a contract from the National Institute of Mental Health Center for Studies of Crime and Delinquency. Four graduate students assisted the author in trying to determine the state of the system of justice, identifying its major problems, and assessing some of the more promising developments.

In spite of the voluminous literature, there is a lack of reliable research and experimentation. Most of the empirical studies are based on agency data derived from the files of police, courts, and correctional institutions. These data, at best, record the decisions made by authorities and the characteristics of offenders affected by the decisions. But they can give no comprehensive picture of the crime problem, since the decisions and policies on which they are based vary from agency to agency and from time to time within a single agency. At worst, the statistics, especially those compiled from a variety of autonomous agencies, give an erroneous and misleading account of crime and its control. The most striking characteristic of the justice system, then, is the paucity of information necessary for the system to correct itself or to learn from its mistakes.

The great bulk of the literature is of a nonempirical, judgmental, and contentious variety. An attempt was made to deal with this material by identifying major assumptions, frames of reference, and lines of reasoning. This effort produced a mélange of contradictions, unwarranted premises, and questionable conclusions. It is clear that the term *system*, when applied to the field of justice, is mainly a euphemism. The system model varies from one observer to another, and there are distinctive variations in the models used by police, court officials, correctional authorities, and researchers.

Finding little coherence in much of the literature, the readers had to develop their own frame of reference. For example, it was agreed that criminal justice does not originate in the apprehension of an offender by the police, nor is it terminated by discharge from parole. The concept must be broadened to include the informal transactions among groups and individuals that determine the occurrence and the nature of an offense, whether or not the offense is reported, the kind of investigation that follows a report, the discretional decisions of the authorities by which the vast majority of offenders are diverted out of the official judicial processes, and

the community's willingness or ability to assist the identified offender. Justice begins with the social conditions that produce deviant behavior and it ends with the successful reintegration of the offender into the community. It depends more on the operation of our social institutions than on the policies of our police, courts, and correctional agencies.

It was also agreed that crime control is better served by informal sanctions—including diversions from the traditional system of justice—than by the formal devices of arrest, conviction, and punishment. Although much of the literature is critical of the frequency with which diversions occur, the empirical evidence, inadequate though it may be, suggests that the offenders who are diverted out of the system do better than those who are subjected to the stigmatization of official punishment. Accordingly, what some observers see as a major weakness of the justice system, we consider to be one of its redeeming features. More effort should be directed towards the improvement of informal controls.

Much of the credit for any value this report may have should go to the students who abstracted the literature and participated in numerous discussions regarding its content. Their names are listed here in recognition of their contributions:

Colleen Acres, University of Washington
Lowell Kuehn, University of California, Riverside
Sheldon Olson, University of Texas
David White, University of Utah

The author, of course, is responsible for the organization of the report and for any errors, faulty judgments, or other inadequacies.

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I PROLOGUE

Turmoil in the Temple of Justice

American justice is in turmoil. After 180 years of neglect, there is need of a major overhaul. In spite of the lofty principles propounded in the Bill of Rights, the system presents numerous obstacles to effective crime control, and it sometimes threatens the very ideals it was designed to preserve and promote. There is evidence that instead of preventing crime, the system of justice—as it is now embodied in our police, courts, and correctional agencies—is a significant factor in crime causation.

In theory the system operates under a few clear and simple precepts, of which the following are fair examples. All law violations are to be reported to the police. The reports are investigated, and if there is sufficient evidence the offender is arrested. Whenever an arrest is warranted there should be a court conviction. Conviction is followed by an appropriate punishment which, in turn, should serve as a deterrent against further offenses.

According to this model the case of an offender progresses by highly visible procedures from arrest to conviction to punishment. There is little opportunity for officials to exercise discretion and their decisions are presumably founded on conclusive information. Public participation is assured by the requirement that a jury of peers determine if the evidence warrants conviction, leaving the judge's decision regarding an appropriate punishment as the main point of discretionary authority.

In practice, however, the cycle of arrest → conviction → punishment is more the exception than the rule. Most offenses remain unreported. Many of those reported cannot be investigated. The lack of sufficient police personnel is the most obvious reason for this. In addition, the investigated cases are often screened to avoid the filing of official charges if conviction seems improbable. Moreover, our overcrowded court calendars encourage both prosecution and defense to engage in "bargaining justice" aimed at sparing the time and cost of a trial. Frequently this results in a plea of guilty to reduced charges or in outright dismissal. Even after conviction, most offenders receive fines, probation, or jail sentences instead of imprisonment in State or Federal institutions. The unavoidable conclusion is that our police, court, and institutional resources are too limited to sustain the arrest → conviction

→ punishment model, even if that were the desired course of action.

To illustrate, consider the report of the President's Commission on Law Enforcement and the Administration of Justice concerning criminal statistics for 1965, the most recent year for which detailed estimates are available. In that year approximately 2,800,000 major felonies—including murder, robbery, aggravated assault, burglary, grand larceny, and auto theft—were reported to the police. These reports resulted in 727,000 arrests, with the juvenile courts assuming jurisdiction over 260,000 of the individuals arrested. Among the remaining 467,000 cases arrested, more than 60 percent had their charges reduced or terminated, leaving 177,000 individuals who were formally accused in court as initially charged by the police. Of these, about 160,000 were found guilty by plea or court verdict and sentenced: 63,000 received felony commitments to correctional institutions; 35,000 were confined in jails or other local facilities; 56,000 were placed on probation; and 6,000 were given fines or unsupervised sentences. Table 0.1 presents the data in greater detail.

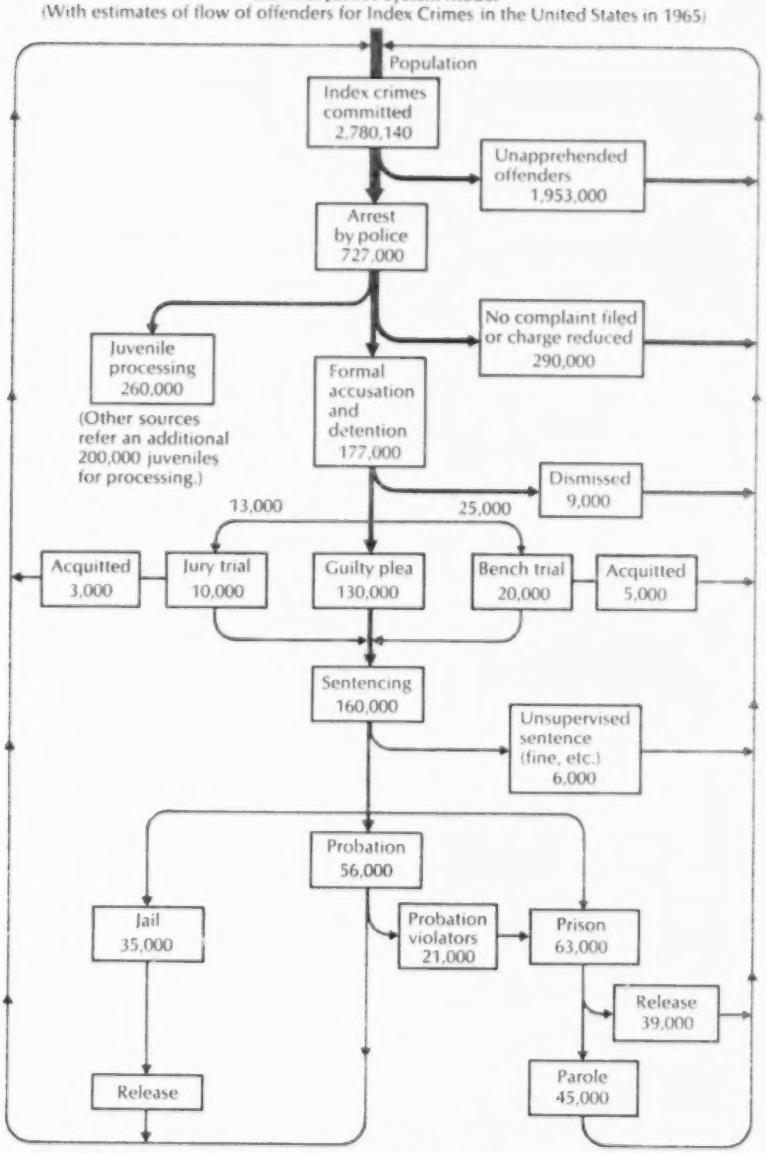
The best estimate, then, is that there was one felony commitment for every 45 major offenses reported, or—if fines, probation, and jail terms are included—one application of court sanctions for every 17 offenses. While this estimate excludes the cases handled by juvenile courts—which cannot result in criminal convictions anyway—and fails to consider adequately the fact that a single offender can be responsible for several reported violations, it nevertheless suggests the extent to which the arrest → conviction → punishment model is circumvented in current practice.

Relatively minor offenses no doubt have an even lower incidence of official sanctions. This may be especially true of "crimes without victims," such as certain liquor and drug violations, gambling, the numbers racket, prostitution, homosexuality, and abortion, along with a number of other offenses that are often categorized under the rubrics of disorderly conduct and vagrancy. Notoriously resistant to the repressive tactics of law enforcement, such offenses are not likely to arouse official reaction unless they seriously disturb public conceptions of order and decency. Indeed the authorities may sometimes try to regulate these activities so as to minimize their public visibility. Yet the offenses mentioned are responsible for about half of the approximately six million arrests that occur annually, exclusive of minor traffic violations.

Such findings have obvious implications for the administration of justice. They show, for one thing, that most criminal cases are diverted from the traditional arrest → conviction → punishment sequence. Diversionary procedures are therefore an essential, though frequently overlooked, feature of the justice system. How-

Table 0.1 Criminal Justice System Model

Criminal Justice System Model
(With estimates of flow of offenders for Index Crimes in the United States in 1965)



SOURCE: Adapted from the President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D. C.: Government Printing Office, 1967), pp. 262-263.

ever, the findings also indicate that much of our crime control effort may be mediated by social mechanisms having only an incidental connection with our police, courts, and correctional institutions. Of special importance in this regard are the community's alternatives to official punishment, the opportunities it provides for the achievement of goals by legitimate as compared with illegitimate methods, its expectations with reference to deviant behavior, the attitudes of its people towards their own deviance as well as the deviance of others, and the resulting sanctions (rewards are as significant as penalties) that accrue to the law violator by informal means. Informal controls are often more salient than formal ones.

Informal controls, unfortunately, are only beginning to receive systematic study in this field. Yet the purpose of diversions from the system of justice is to bring into play the community's mechanisms for controlling law violators without recourse to official stigma and punishment. Diversions may occur by official decision at any stage of the judicial process from the report of an offense to the final disposition of the offender. But the police are no doubt more frequently involved than are the judges, prosecutors, and correctional authorities. Some relevant tactics commonly employed by the police include a variety of alternatives to arrest, such as reprimanding the suspected offender, referring him to his family or to other agencies, and harassing him or otherwise dispensing what is sometimes called "summary" or "street" justice.

In addition, nearly all attempts at crime prevention have a diversionary character in that they are designed to make formal arrests unnecessary. They do this either by disrupting activities that seem likely to result in illegal behavior or by eliminating conditions that are conducive to such activities. A few illustrations of police efforts at prevention include the assignment of uniformed patrolmen to areas of high crime risk, the regulation of public events, the "show of force" at demonstrations and large gatherings, the "cooling out" of participants in family quarrels, the improvement of street lighting, the installation of burglar alarms in homes and business establishments, and the encouragement of educational programs aimed at inducing the public to exercise greater care in handling funds or possessions, in driving along public roads, in entering into business deals or legal agreements, and in associating with persons of questionable reputation. All of these programs, and many others like them, receive vocal support from most law enforcement agencies.

However, preventive programs are clearly more appropriate to the maintenance of peace and order than to the apprehension of criminals. The same thing is true of most regulative and adminis-

trative activities in which the police are involved. These order maintenance functions consume far more of an officer's time, as much as 90 percent according to some studies, than do criminal investigation and the apprehension of offenders. And the growing involvement of law enforcement agencies in the maintenance of social order argues for the further elaboration of our diversionary strategies.

It may appear, then, that public sentiment generally favors the preservation of order over the official processing of criminals. But this is not true. Much public criticism of the police and other authorities is directed against their alleged failure to deal effectively with individual criminals. Even more important, it is tantamount to political suicide for an office-seeker or a governmental policy-maker to endorse anything other than a "get tough" policy in the area of crime control. To "get tough," as the term is ordinarily interpreted, means to support the arrest → conviction → punishment model, and especially to make a plea for stronger penalties against law violators.

There is accordingly a major dilemma in modern law enforcement, a dilemma nearly everywhere reflected by a wide gap between the pronouncements of political authorities and the practices of our police. Community pressures that compel authorities to commit themselves to a policy of catching criminals are in a head-on collision with equally persistent pressures encouraging the patrolmen to place their main emphasis on order maintenance and preventive services.

Lacking the personnel and other resources necessary to do both jobs well, most police departments have assigned the functions of surveillance and prevention to the patrol, the juvenile division, and the "public relations" units, while reserving for the detectives the main role in criminal investigation and apprehension. In this division of labor, the detectives tend to get higher salaries, better publicity, and other advantages, which sometimes lead to intra-departmental jealousies and other forms of organizational conflict. Such schizoid procedures often produce more issues than they resolve, as shown later in more detail (Chapter 5).

The dilemma of choice between keeping the peace and combating the criminal is by no means restricted to the police. Court officials also tend to rule in favor of diversionary measures whenever the defendant is a powerful person, when there are extenuating circumstances in his behalf, or if the case against him is weak and uncertain. Plea bargaining, and the special role of the prosecutor in this regard, has already been mentioned. In addition, the prosecutor has authority to dismiss charges without having to make a public accounting of his action. *Nolle prosequi*

has such low visibility as to be almost impervious to empirical investigation; and we therefore know very little about its frequency, its justification, or its influence on the system of justice.

Criminal court judges likewise have access to a number of diversionary devices. For example, they may release a suspect on bail or on personal recognizance instead of confining him in jail prior to trial, and studies show that the decision made at this time has a distinct influence on the eventual outcome of a criminal case. Or the judge may dismiss a case on the grounds that the alleged facts, even if true, do not constitute a crime. These were the grounds for dismissal in the recent case of a homeowner who was arrested for assault after attaching firearms to his residence in such a way that an intruder was shot while trying to enter the building.

Similarly, a judge may dismiss charges if a suspect is not handled according to due process, if the evidence against him was obtained in an illegal manner (unauthorized wiretap, for instance), or if it is tainted by signs of police coercion, brutality, or entrapment. Judges may defer the sentencing of a convicted offender, suspend the imposition of a sentence already given, or sentence someone without supervising him or prescribing any other kinds of sanctions. Some judges suspend sentences almost without exception in cases where the original charges have been reduced from a felony to a misdemeanor.

In consequence, the majority of our criminal cases are disposed of without prosecution or conviction. This is especially true of cases involving low visibility or little threat to the community. Alternatives to prosecution are also widely used for the mentally ill, alcoholics, and juvenile offenders. Even in cases where criminal guilt could probably be established at a trial, alternatives are used for purposes such as gaining restitution for the victim of a swindle, keeping peace in the neighborhood, preserving the job of a wage earner, maintaining the unity of a family, or giving a first offender probation without marring his record by a criminal conviction.

Presumably the success of diversion depends in part on the discretion with which it is used. Discretion may sometimes be employed in an arbitrary or discriminatory manner, and there is plentiful evidence that official decisions are influenced by things other than the nature of the offense or the perceived threat to the community. Among the things having a determining effect in many cases, apparently, are the offender's race, residence, income, occupation, social status, reputation, and demeanor. Accordingly, the legal justification for diversion, particularly in rural areas, is often regarded as less important than the intent of the officer making the decision, the social factors on which the decision is based,

and the availability of resources for carrying out the decision. Hence the disposition of an offender may be influenced by the number of cases on the court's calendar, the amount of overcrowding in correctional institutions, and the kinds of social services provided by the local community. Some of the problems relating to the exercise of judicial discretion are reviewed in Chapter 6.

Correctional institutions, too, may divert a number of criminal cases out of the justice system. Most important among the alternatives to prison confinement are probation and parole, which are used in all jurisdictions. Some states—Washington and New Hampshire, for example—discharge nearly all of their convicted offenders before the expiration of their sentences. Several other states use these methods sparingly, although the trend towards probation and parole is everywhere increasing. In a few places, a committed offender may be granted his release as soon as his diagnostic study is completed at the reception center. But there are many more jurisdictions that still require a minimum time to be served before parole can occur.

Other methods of diversion include the release of offenders for employment or training in the community, for temporary furloughs or home visits, and for various kinds of community treatment programs. Halfway houses, residential treatment centers, and out-patient clinical services are also becoming fairly common. As a result, convicted offenders under supervision in the community are more than twice as many as are confined in correctional institutions, and the size of the former category is increasing much more rapidly than that of the latter. Since much of the impetus for diversion has come from correctional officials, it is not surprising that, in the system of justice, the greater the distance from the point of arrest, the greater the variety of diversionary methods. The merits of these methods are examined in Chapter 7.

The significance of diversions from the arrest → conviction → punishment model is evidenced by two sets of facts well established in empirical investigations. First, most of the diversions—such as alternatives to prison confinement, for example—are more effective methods of crime control than are the more traditional and legally prescribed devices. Diversions have been employed in many places without any increase in recidivism rates or in risk to the community, and the earlier the point in the justice system at which they occur, the greater their relative advantage. Moreover, they are generally less costly than imprisonment.

Secondly, diversions are frequently established in practice before they are written into the law. Numerous innovations in correctional procedure have been initiated as extralegal, sometimes

illegal, elaborations of the arrest → conviction → punishment model. Perhaps because of the persistent public demand for "tough on crime" policies, these innovations often have to prove their feasibility in sub rosa experimentation prior to their presentation for public scrutiny. Probation and parole are examples of treatment methods that were used for several years before they were explicitly written into the legal codes, and the same thing is frequently true of work and training release, furloughs, halfway houses, and other recent developments. A current illustration of near secret experimentation is the use of conjugal visits for prisoners in several jurisdictions.

What this indicates is the need for communication and mutual understanding between the community and the agents of authority. When the authorities believe that public support is lacking, they may try to make program improvements by means of low-visibility decisions. Yet these decisions often widen the gap between precepts and practices, and they may therefore be largely responsible for the lack of public confidence in the system of justice.

As a result the system has difficulty in learning to profit from its experience. It is handicapped by inadequate mechanisms of self-correction. It is frequently incapable of doing the kinds of experimental studies that are necessary for progress to be made. In these ways there are vast differences between the field of justice and many other modern organizations. However, where the public is thoroughly informed regarding the need for experimentation and for continuous policy revisions, it seems that program changes can generally be made with relatively little opposition.

Thus the first steps in reducing the turmoil in the system of justice are to increase the visibility of discretionary decisions and to assess their impact by the observation of reliable evidence. Furthermore, the public needs to be informed concerning the employment of alternatives to the arrest → conviction → punishment model and the consequences of their use. Crime control in a complex society is not something that can be achieved by unilateral action on the part of the authorities. It is increasingly a cooperative enterprise involving the joint efforts of citizens, officials and, indeed, the offender clients as well.

II PERSPECTIVES

Chapter One: Correctional Myth and Ideology

Revolutions in the Ideology of Crime

Powerful groups may try to preserve the kind of social order that best suits their concerns. The castigation of criminals as the source of all evil may sometimes serve this purpose. But the vested interests are incapable of maintaining a stable social order. In the long run, the pressures towards change and reorganization are irresistible. One of the reasons for this is that social practices are so frequently founded on false assumptions.

An example is the mythical belief that certain acts, objectively defined, are universally condemned as criminal. The fact is that for each act treated as a crime there are other instances of the same form of behavior that are tolerated or rewarded by society. Thus the taking of a human life may be regarded as murder, justifiable use of force, heroism, or an act of mercy.

Nor is there really any conclusive evidence that the behavior patterns of criminals differ significantly from those of many non-criminals. Except for the fact of conviction, the two categories often appear to be indistinguishable. It is not the act but society's response to the act that serves as the distinguishing criterion.

By labeling criminals in terms of the age-old conflict between "good guys and bad guys," the authorities are sometimes able to transform the offender into a sacrificial scapegoat. People's animosities are then directed against the criminal, diverting aggression from other transgressors and allowing many unconvicted offenders to expiate their guilt feelings. Indeed some persons are so deeply committed to this sacrificial ritual that they remain unaware of their own transgressions.

Crime purifies the innocent. As knowledge of crime and deviance accumulates, however, it may become increasingly difficult for people to maintain such a naive sense of innocence (Chapman, 1968; Menninger, 1968).

Changes in a society's beliefs regarding the causes and the control of criminal behavior are reflected by developments in the field of corrections and in the system of justice. Conceptions of crime and control, of deviance and social order, are responsive to changes in man's experience, knowledge, technology, institutions, and phy-

sical resources. And in spite of the current clamor about disorder and alienation, the capability of implementing man's ideas seems always to be increasing. The goals of crime control, therefore, are not simply to produce uniformity of conduct but to anticipate and, so far as possible, to direct or manage the processes of social change. If the task is more difficult today than before, it is largely because of the increasing disparities in people's beliefs, interests, practices, and resources.

Age of Revenge. Only a few centuries ago it was commonly believed that criminals, along with other misfits, were possessed of demons or devils which had to be driven from the body of the offender. Severe physical punishments—flogging, branding, execution, and the like—were regarded as natural and proper expressions of revenge. In order to prevent the outbreak of hostilities among offenders, victims, and their kinfolk, it was considered necessary that the government assume responsibility for retaliation against the lawbreakers. Although the threat of retaliation may have lessened during the ensuing years, there is little doubt that the motive of revenge still plays some part in the public's endorsement of repressive measures, especially in cases involving atrocious offenses.

Age of Reason. A revolution in correctional ideology occurred during the late 18th and early 19th centuries, resulting in the amelioration of physical punishment and the establishment of the prison as an almost universal device of correction. Prisons developed out of the new philosophies of hedonism and rationalism, the increasing popularity of contract theories of government, and the growing evidence of the essential interdependence of men. The growth of these views attended the transition from sparsely settled rural communities to crowded cities that had economies based on the division of labor, piecework, and manufacturing.

The new ideology maintained that natural law, not the divine right of kings, provides the foundation of social order, that man is endowed with knowledge of right and wrong, that he possesses a free will, and that he operates under the principle of hedonism in the pursuit of pleasure and the avoidance of pain. In this view, crime is a deliberate act, the result of malicious intent and a perverse will.

In an effort to establish an equitable and rational system of justice, punishments were graded according to the perceived severity of the offenses committed. This was to make the penalty equal to the anticipated rewards of the crime. Precise punishments were fixed by the law, and an offender's fate was sealed at the moment his guilt was established. "Let the punishment fit the crime" was the motto of the system of justice. The function of the

police and the courts was to enforce the law without question and to insure the certainty of punishment. It was believed that the agents of authority should be highly visible and that the stigma attached to the designation of a person as an offender is desirable.

Preventive deterrence and correction of the offender were regarded as of equal importance. The preventive goal was to be achieved by the display of evidence that all offenders come under the purview of the law, that the law is no respecter of persons, and that "crime does not pay." Correction of the individual offender was to be achieved mainly by imprisonment.

There is much in this ideology that is pertinent to contemporary justice because it provides a foundation for a good part of our criminal law. It rationalizes the use of diversionary methods for youthful offenders and the mentally ill. And for many persons it serves as something of an ideal with respect to the operation of our judicial machinery. Yet the concepts of "certain punishment," "culpable intent," "equal justice," and "punishment fitted to the crime" have never been fully implemented in any society.

Age of Reform. Significant changes in ideology were again noted in the late 19th and early 20th centuries, when much of the philosophy of contemporary justice was enunciated. Today, perhaps, most people think of the offender as being "sick" rather than "wicked," a disadvantaged person whose troubles grow out of his biological, psychological, or social deprivation. Hence treatment and training, rather than punishment, are called for.

With the rise of the reform ideology, the discretion of crime authorities partly replaced the fixed terms of the law in determining the policies of police, courts, and correctional institutions. Statutes were enacted permitting the court to defer sentencing the convicted offender until after he was examined and his problems identified by professional workers. Indeterminate sentences were instituted, giving the authorities considerable leeway in the treatment of any given case. Accordingly, the judges and other decision makers often found it advisable to seek out the advice of probation officers, psychiatrists, and other professional consultants. The motto, "Let the treatment fit the needs of the individual offender," gradually came into prominence.

But "individualized treatment" is often an empty phrase. Many of our correctional institutions are nothing more than vast warehouses for the safe storage of people society has labeled dangerous. Even the more progressive institutions have to provide their treatment mainly in an isolated setting where it is of little consequence once the offender has been returned to the free community. About 98 percent are returned, usually after spending from 18 to 36 months in the controlled and sequestered environment of the insti-

tution. Data on their post-treatment performance fail to prove that they were either helped or hindered by their correctional experience.

Age of Reintegration. There is good reason to believe that American society may be in the early stages of a third revolution in its beliefs and practices concerning crime and correction. A major feature of this embryo ideology is that society must share with the offender the responsibility for crime and for other forms of deviant behavior. Crime and delinquency are increasingly viewed as symptoms of social disorganization as well as of personal maladjustments. There is growing recognition of the pressures exerted upon the potential offender by a pluralistic culture and by many conflicting subcultures that prescribe contradictory goals and diverse standards of conduct. It is likewise acknowledged that society often discriminates against the offender by withholding the opportunities needed for the attainment of personal objectives. Where legitimate opportunities are lacking, illegitimate activities tend to arise as a means of survival. This, of course, does not deny individual differences or personal responsibility, but it underscores the view that a given person's behavior cannot today be realistically investigated without taking into account his social and cultural milieu.

The dawning age of reintegration sets as its main challenge the return of the offender to the community as an effectively participating member. Pragmatically, this objective makes sense, since so many of our offenders are returned from prison or treated in the community. To meet this challenge, the general approach is to involve offenders and nonoffenders alike in a joint attack on both personal and social problems. Instead of trying to reform the offenders alone, corrective efforts are directed towards the entire community and its institutions of government, business, education, health, welfare, religion, recreation, and the like. This means that the focus of remedial effort is shifting from an almost total concern with the individual to the social and cultural milieu in which our law violations occur and to which the offender must eventually return.

Correctional Ideology and Societal Complexity

The above changes in corrections are related to societal complexity. In the earliest societies, some degree of conformity to the group's codes was perhaps necessary for an individual to survive. Nearly all of man's energies were devoted to maintaining a marginal level of subsistence. Here the main source of energy was the food man consumed, and the chief method of energy utilization was the muscle power man expended in his pursuit of food supplies.

This style of life is characterized by a low rate of social change, small clusters of intimately related individuals having a high degree of autonomy and independence, and possibly a low level of rule infractions. Such a life style is found even today among isolated tribes of hunters and food-gatherers who have escaped the influence of the agricultural revolution.

The agricultural revolution instituted a more complex system of energy production and utilization. Man's physical powers were greatly augmented, first by the domestication of animals as beasts of burden, and later by the use of internal combustion engines. Hand tools were replaced by heavier and more efficient machines. Plants were cultivated and harvested in a seasonal pattern, resulting in greater productivity and periodic food surpluses. These were stored and consumed as needed, thereby making the distribution of supplies an essential factor in group survival. Basic institutions, such as the family and the economy, were mainly responsible for securing food, providing shelter, protecting the young, ministering to the ill or the feeble, and serving related functions that are instrumental in attaining the necessities of life.

Improved skills and technology tended to raise the standard of living. Sometimes the improved methods enabled a few families to furnish the means of subsistence for an entire community, allowing more people to engage in noneconomic activities. With improved living conditions also came a reduction in the death rate and an increase in the population, especially among the community's younger and older members. The growth of these less productive segments of the population may have encouraged the division of labor and the development of specialized institutions for training children, harnessing the experience and knowledge of the aged, and promoting the general welfare.

Instead of contributing directly to survival, therefore, many institutions serve an integrating function by maintaining the morale and legitimating the activities of the community's members. Government, religion, and law enforcement are several examples. Some of these institutions prescribe relationships among groups and individuals, while others are more concerned with implementing the prescribed patterns. Together they may help the community to operate as a coherent social system. The dilemma they face, though, is that without sufficient control, the community may tend to disintegrate, whereas too much regulation may stifle initiative, retard progress, and promote rebellion.

The relative emphasis on instrumental and integrative functions varies in time and place. In general, however, more progress has been made in the struggle for survival than in the attempt to achieve social harmony. Where the necessities of life can be assured, it may

be even more difficult to integrate the community, to maintain a coherent social system, and to manage the tensions of everyday life.

Problems of pattern maintenance and tension management may be complicated by the growing complexity of social institutions and by the increasing diversity of people's goals and values. Complexity and diversity tend to accompany modernization. In the pre-industrial era, for example, the lives of most individuals were oriented around a few traditional institutions—the extended family, the tribe, and the local community. The family household was the center of most activities—the unit of residence, of agricultural production, of child care and training, of religious and other ceremonial observances, and of most other transactions that bind people together. The community was confined to a small geographic area comprising families that shared the same beliefs and practices. Contacts within the community therefore tended to clarify and reinforce the same social norms that regulated family affairs. Contacts with people from outside the community, by contrast, were often viewed with suspicion and were regulated by special norms applying mainly to strangers or potential enemies.

People in such societies have a communality of interests. Their concerns are reflected in an almost monolithic normative system that integrates activities and preserves the social order. Tradition and consensus are the primary means of social control, while the main objectives are stability, security, and survival. Deviant behavior is commonly tolerated so long as it does not threaten the group's welfare. However, serious infractions are handled with dispatch and severity.

This kind of social order has been repeatedly disrupted in the development of urban industrial societies. Many of the family's functions have been assumed by new institutions. Older patterns of work and production have been drastically revised, making many traditional skills irrelevant and diminishing the security long attached to agriculture and to manual labor. Political power has been largely removed from the local community, undermining the status of the former elite and speeding the trend towards centralized control.

The concurrent centralization of power and diversification of interests may have reached its peak in the deteriorating areas of our large cities. Here poverty is the prevailing condition, especially among the untrained residents. Crime also is at its maximum. As a consequence, both poverty and the lack of skill are often cited as causal factors. Yet these things cannot account for criminality. Many rural areas with greater poverty and fewer skilled inhabitants have exceedingly low crime rates. It therefore seems clear

that the poverty and squalor of the slum, along with crime, are only symptoms of a more fundamental malady.

Perhaps more important than indigence, lack of skill, and the like, are poverty in the midst of abundance, despair in a milieu of optimism, and the fact that many slum dwellers are dispossessed of their legal prerogatives—the ideals of equality notwithstanding. Even the health and welfare programs of the slum, for example, may be planned and implemented by bureaucratic officials who represent regional, state, or national interests. Frequently the local residents come to view such programs as intrusions into their own affairs by outsiders. Lacking any influence in local matters, the slum's residents are unable to arrive at any consensus on goals and values. These residents ordinarily have little sense of community. Nor do they have any great stake in conformity.

Crime control may accordingly come to be regarded as a synonymous expression for the power of the rich and those involved in political dealings. This view is not lacking in substantiating evidence. For instance, the law, in its majestic equality, prohibits rich and poor alike from sleeping in doorways, hustling on the streets, or stealing for pocket money. There can be little concern for law and order, however, where illegal activities are instrumental in meeting people's basic needs. Under these circumstances, the law may become a symbol of oppression, order may be regarded as an establishment expression for the use of official force and violence, and justice may be interpreted in practical terms as an official decision rendered in one's favor. Where such views are prevalent, of course, crime is common. It is not surprising, therefore, that problems of social control, law enforcement, and criminal behavior have their greatest visibility in the slums of our cities.

Our political and economic institutions—more than any differences in the traits of individuals—are responsible for the inequitable distribution of social opportunities and rewards. Furthermore, if relative deprivation has a closer connection with criminality than poverty does, then the control of crime may eventually require the prompt adjudication of any discrepancies that occur between the precepts of democracy and the practices of our official agencies. Hence problems of crime and control are most apparent in areas having wide variations in the distribution of wealth, power, influence, prestige, and other social goals or values. These problems are greatly intensified by the growing size and density of our urban populations, the rapid expansion of exchange and information, and the essential interdependence of people living under an increasingly complex division of labor. Such are the consequences of social trends that make slums out of our city centers.

Instead of applying merely to the cities of today, moreover, these

arguments suggest that crime control may soon have significant international connotations. Urbanization is nearly everywhere continuing at an increasing pace, extending man's environment beyond all previous bounds and establishing an interdependence among nations that was formerly unthinkable. The expanding environment enhances prospects for greater specialization in goods and services, more sharing of experience and knowledge, and the adoption of selected features from alternative modes of life. But it also complicates many problems of social control, such as protecting the identity of the individual, maintaining the integrity of the community as a social system, and preserving harmonious relations among communities and nations that have divergent beliefs and interests.

In addition, the disparities in wealth and power between "have" and "have not" nations are greater than those between advantaged and disadvantaged groups within our own society. The industrialized nations have about 75 percent of the world's mining production, 90 percent of its gas and electrical power, and 90 percent of its manufacturing. Yet these nations comprise only 30 percent of the world's population. Again, the United States, with about 6 percent of the world's people, consumes one-third of the commercial energy. By contrast, India, with 15 percent of the population, consumes less than 2 percent of the energy supply.

Fiscal capabilities and managerial know-how are similarly concentrated. If present trends continue for another decade or two, the world's third greatest industrial power, after the United States and Russia, may be the US-managed industrial empire abroad. In terms of gross product, General Motors Corporation, by itself, ranks ahead of nations such as Argentina, Belgium, and Czechoslovakia.

In spite of efforts made to improve living conditions in backward areas, the gap between advantaged and disadvantaged nations is widening. According to expert observers, the lot of the inhabitants of the most underdeveloped countries has worsened appreciably in the last half century. People have a poorer diet, and there are fewer goods available per person. In view of these trends, it seems possible that the concentration of the world's resources may become the target of strenuous demands for reform. If this happens, the reciprocal influences among wars, revolutions, corruption, and crime will become more visible. The treatment accorded criminals and other deviant groups may become an international issue.

Sacred Cows in the Field of Corrections

Efforts to develop a just, rational, and efficient system of crime control are handicapped by stereotyped beliefs that are contrary to

the available evidence regarding crime and corrections. Such beliefs need revision before we can gain the public support that is essential to any realistic attack against the crime problem. Accordingly, some of the "sacred cows" of corrections are examined briefly below.

We are experiencing an unprecedented crime wave. It is fashionable to argue that crime has reached unparalleled proportions in contemporary society. Nearly all participants in recent political campaigns have expressed concern about the alleged breakdown in law and order. However, the fact is that our criminal records are inadequate for comparisons to be made with criminality in previous generations. In addition, the evidence, in spite of its limitations, tends to discredit the "crime wave" hypothesis. It suggests, instead of a continuous increase, an alternation of growth and decline in patterns of such complexity that judgments about long-term trends should be made with some caution.

Generally the greatest concern is with crimes of violence, which comprise about 13 percent of the 4.5 million major felonies reported to the police in 1968. In that year there were 6.8 murders reported per 100,000 population. Yet the rate in 1930 was 8.9. The city of Memphis reported a rate of 90 in 1916, nearly 15 times as great as the present national average.

Studies indicate a gradual increase in crimes of violence from 1830 to 1860, followed by a more pronounced upsurge after the Civil War. From about 1880 until the second decade of the 20th century, a gradual decrease in violent crimes was noted. However, the years immediately preceding and following the first world war were marked by generally high rates. Then there seemed to be a fairly consistent downward trend in violence from the 1920's until the time of the depression.

Since 1930 national statistics on crime have been maintained by the Federal Bureau of Investigation. These data, in general, show a consistent decrease in homicide until about 1960. Variations in forcible rape are inconsistent, while robbery and assault have shown marked increases. The homicide rate in 1933 was 9.6, more than twice as high as in the mid 1950's, and several points above the current level. Table 1.1 presents the detailed findings since 1948.

During the ten years from 1948 through 1957, the combined rate for violent crimes increased about 4 percent, which is less than the rate of population growth. Property offenses increased 46 percent in the same period. In these years, then, the increase in crime was due entirely to the growth in nonviolent offenses.

However, the differential between violent and nonviolent offenses has been smaller in recent years. Between 1958 and 1964, for

Table 1.1 Estimated Trends in Violent Crime, United States, 1948–1968.

Year	Estimated Offenses per 100,000 Population			
	Murder	Rape	Robbery	Assault
1948	5.2	11.0	37.5	52.7
1949	4.7	11.0	39.7	52.9
1950	4.6	10.9	35.0	53.3
1951	4.4	10.9	33.8	51.1
1952	4.6	11.0	37.2	56.2
1953	4.5	11.3	39.7	58.2
1954	4.2	11.1	41.6	57.8
1955	4.1	11.6	34.8	56.2
1956	4.1	12.1	33.8	57.4
1957	4.0	12.3	35.9	58.5
1958	4.7	8.4	43.5	65.5
1959	4.8	8.3	40.3	67.3
1960	5.1	8.7	49.6	72.6
1961	4.7	8.8	50.1	72.7
1962	4.5	9.8	51.3	75.1
1963	4.5	8.7	53.1	78.4
1964	4.8	10.7	58.4	96.6
1965	5.1	11.6	61.4	106.6
1966	5.6	12.9	80.3	118.4
1967	6.1	13.7	102.1	128.0
1968	6.8	15.5	131.0	141.3

Sources: *Uniform Crime Reports*, Federal Bureau of Investigation, and *Population Estimates*, Bureau of the Census. Note definitions of rape and assault were revised in 1958.

example, the growth rate was 46 percent for violent crimes and 66 percent for property offenses. From 1964 through 1967, violent crimes increased by 37 percent and property crimes by 43 percent. All of these increases are considerably greater than the rate of growth in the national population, especially since 1960. The population has grown about 11 percent since 1960, whereas the reported number of violent crimes has increased by 85 percent and property crimes by more than 100 percent. This recent upsurge in reported offenses may reflect an increase in the amount of criminality, improved law enforcement, greater visibility of deviant behavior, or growing public concern about the crime problem. It is likely that all of these variables are involved, but no one is certain about their relative impact on the crime rate.

The difference between a criminal and a noncriminal person is that the former has violated the law while the latter has not. An-

other popular contention is that the population can readily be divided into two distinct and mutually exclusive categories, namely, a large majority of lawabiding citizens and a small minority of recidivistic criminals. But there is growing evidence that this distinction is more fiction than fact. Much of the evidence comes from self-report studies, in which many individuals who may never have been arrested report that they have committed numerous law violations which could have resulted in criminal convictions. It therefore is clear that a person's noncriminal status does not necessarily mean he has never violated the law. Nor does it mean that he is unwilling to admit his violations.

The finding that people are willing to report their offenses in response to inquiries by researchers has been corroborated by numerous studies, mostly of students and young people. These studies, in addition, show that law violations are admitted in approximately equal proportions by members of all social groups and classes. Yet the official reactions of police and courts are largely concentrated among the lower classes and the ethnic minorities. What accounts for this discrepancy between personal admissions and official reactions is not entirely clear. Perhaps law enforcement efforts are concentrated in the lower classes, making their violations more visible. Or it may be that, although people in all areas violate the law on occasion, the number of violations is much greater in the disadvantaged areas. Still another possibility is that the findings can be explained by discriminatory practices on the part of the authorities. Better studies are needed to provide the answer.

Recent studies of criminal victimization give some further clues. These studies estimate the number of hidden or unreported offenses by asking people if they or members of their families have been victimized by crime during the preceding year. When victimization is claimed, the respondents are also asked if the offense was reported to the police. A national survey was conducted in this manner on a sample of 10,000 households. In Table 1.2 the offenses claimed by victims are compared with those listed by the Bureau of Investigation for the same year.

Two facts stand out in the comparison. First, the relative frequencies of crimes uncovered by the victimization survey are fairly similar to those reported by the police. The order of rankings is identical. Second, the survey found a significantly greater number of crimes than were reported to the FBI. For example, the frequency of forcible rape was 3½ times as great in the survey as in the police data; assault, more than 2 times as great; and robbery about 1½ times as great.

Table 1.2 Comparison of Victimization Reports and Police Data.

Offense	Crime Rate per 100,000 Population	
	Victimization Survey	Uniform Crime Reports
Homicide	(Too few cases)	5.1
Forcible Rape	42.5	11.6
Robbery	94.0	61.4
Assault	218.3	106.6
Burglary, Grand Larceny, Auto Theft	1761.8	790.0

Source: Philip H. Ennis, *Clinical Victimization in the United States*, p. 8, and *Uniform Crime Reports*, 1965, p. 51.

An important conclusion is that most offenses, including crimes of violence, are not reported to the police. There is little doubt that a large number of law violators go free as a result. Although methods of criminal investigation have improved in recent years, the agencies of law enforcement are still lacking the public cooperation that is necessary for effective operation of the system of justice. The official crime rate could easily be doubled or tripled if people changed their attitude with regard to the reporting of offenses. Even if the actual number of offenses were to remain constant, "crime waves" could be made, reversed, or unmade by slight changes in the public's reaction to deviant behavior.

Crime and violence are interchangeable concepts. Many people see violent crime as the main threat to life and security. However, most crimes are nonviolent, and most violence is noncriminal. Violent crimes comprise about 13 percent of our major felonies, as already noted, and less than 5 percent if misdemeanors are included. Homicide makes up less than 3 percent of the crimes of violence, or less than one-half of one percent of the serious offenses. It is apparent that the prevention of murder, if that were possible, would have little effect on the amount of crime.

It is also clear that the prevention of murder would have relatively little effect on the number of deaths by violence. For example, suicide is about 2½ times as frequent as murder, and deaths resulting from automobile accidents are 5 times as frequent. In all, accidental death is 13 times as common as murder, and accidents that involve negligence are probably easier to prevent than murder. It is estimated that more than half of the 50,000 deaths resulting yearly from automobile accidents involve either negligent manslaughter or drunken driving. Yet the public shows little concern over the drunken or careless driver.

Most violence is not classified as crime. When a bridge collapses, a building falls, or an airplane crashes because of faulty construction or improper maintenance, dozens of persons may be killed. Scores of lives are lost by fires or explosions in mines, hotels, and even correctional institutions that are operated under unsafe conditions. Some other sources of violent death are poorly engineered streets and highways, air and water pollution, overcrowded airfields, inadequate building codes, insanitary food processing, unsafe toys and household appliances, and resistance against safety devices on automobiles. Although it is impossible to make accurate estimates, such conditions no doubt afford a greater threat to life and security than do all of the murderers and psychopaths who are free on the streets.

Ironically, several causes of violent death are found among our health products. We manufacture twenty-five tons of aspirin every day. Careless storage of this product results in thousands of poisoned children and more than one hundred deaths each year. Diet pills, thalidomide, and numerous other drugs are taking a much greater toll, not to mention tobacco and alcohol. Estimates of the American College of Surgeons are that twenty thousand people die each year because of inadequate or improper emergency medical care. A leading public prosecutor said in 1966 that medical quackery kills more people than do all crimes of violence combined. If America is a violent country, only a small portion of the blame can be charged to the outlaw's gun and knife.

Crime does not pay. Crime, particularly organized crime, is possibly the most profitable business in this country today. In many localities it has gained control over such tremendously profitable activities as gambling, traffic in drugs and liquor, bookmaking, loan sharking, numbers, slot machines, prostitution, and a variety of "protection" rackets. Some of these activities are reportedly organized in traditional military style, with different syndicates or "families" in charge of operations in major cities. At the head of each family is a boss who has power of life and death over its members. More than a thousand deaths are attributed to the operation of syndicates in one city alone.

Wherever organized crime exists, it seeks protection against interference by the police and the courts. Accordingly, vast funds are expended by syndicate bosses in an attempt to gain political influence on both local and national levels of government. Partly for this reason it is nearly impossible to get a reliable accounting of campaign contributions received by political officials. In addition, the profits from various illegal enterprises are invested in legitimate businesses. In this way organized criminals are able to gain prestigious positions within the community. While it is diffi-

cult to estimate the extent of financial earnings, the President's Commission on Law Enforcement and the Administration of Justice concluded in 1967 that the income from gambling and other forms of organized crime is more than eight billions of dollars per year, nearly twice the amount derived from all other kinds of criminal activity combined.

Next to organized crime, the most profitable illegal activity is white collar crime, which refers to law violations committed by middle-class members in the regular pursuit of their occupational affairs. Most white collar violations involve swindles, frauds, and duplicity in financial dealings.

Perhaps the most extensive study of white collar crime analyzes the illegal activities of seventy American business corporations in the first half of the twentieth century (Sutherland, 1961). During the lives of these corporations, the courts returned 779 verdicts against them involving criminal charges, or a total of 980 violations if minor infractions are included. Each of the seventy corporations had at least one court decision against it, with a maximum of fifty charges and an average per corporation of fourteen. Only 16 percent of these verdicts were rendered by the criminal courts. Criminal convictions were nevertheless obtained against 60 percent of the corporations. The offending agencies had an average of four criminal convictions.

Although criminal offenses are common among white collar agencies, most of the cases are settled in civil courts where the main sanctions are fines and orders to "cease and desist." In spite of these sanctions, however, the profits from white collar crime, according to the President's Commission, approach three billion dollars annually. By comparison, the take from conventional crimes is estimated at less than a billion dollars. Conventional crime, the object of most police attention, is therefore a small part of the criminal enterprise. Street crime comprises an even smaller part of the total. Most homicides, assaults, robberies, burglaries, and the like, do not occur on the streets. Still the profits from conventional offenses are considerable by comparison with other public expenditures. A billion dollars is approximately the amount spent annually on public education by the states of Montana, Idaho, Wyoming, Colorado and Utah, combined.

Action and Reaction: Society's Response to Crime and Deviance

Efforts at crime control have been marked by rather drastic changes in ideology accompanied by relatively slight changes in actual practice. Prospects are for greater changes in the future, as previously suggested. However, significant changes in practice

are difficult to achieve. Societies are limited in the things they can do. Perhaps the most important modes of reaction to deviant behavior are those listed below:

Toleration refers to the failure of a society to detect its offenses or to the deliberate nonrecognition of the offenses detected. It includes all forms of concealment and all of the devices by which official acknowledgment of offenses is circumvented.

Punishment includes execution, banishment, imprisonment, stigmatization, disfiguration, exclusion, and all other forms of official retaliation against the offender. Milder forms are designed to prevent the offender from participating in certain occupations or other social activities. The objective of punishment is to harm the lawbreaker by physical, psychological, or social means.

Treatment involves the use of therapy, training or other rehabilitative devices in an attempt to reform or resocialize the offending individual. Ordinarily the offender retains his membership in the community, but some forms of treatment are provided incarcerated individuals. The objective of treatment is to assist the offender by physical, psychological, or social means.

Reconstruction implies the revision of a society's values, goals, norms (including laws), or practices in an attempt to prevent deviant behavior. Often this results in the redefinition of deviance or in the reformulation of rules that assign people's social positions, define their privileges and responsibilities, or regulate their access to information and other community resources. Reconstruction aims at changing the community rather than the individual offender.

General deterrence refers to the enforcement of normative codes and regulation in such a manner as to prevent their violation by members of the community, criminals and noncriminals alike. This entails the reformulation of norms as public interests are modified. It assumes a concordance between law and public opinion, between word and deed, between precept and practice. General deterrence is rarely observed, and serves primarily as a judicial ideal.

Interrelationships among these modes of societal reaction are illustrated in Table 1.3. In spite of the changes that have occurred in correctional philosophy, we still handle offenders much as we always have.

We still try to overlook their transgressions, to act as if they didn't happen. There is little doubt that toleration is the most common societal response to law violations. Recent studies show,

Table 1.3 Societal Reaction to Deviant Behavior.

Focus on Changing Society	Focus on Changing the Offender	
	Yes	No
Yes	Uniform Law Enforcement and General Deterrence	Social Reconstruction
No	Individualized Treatment and/or Selective Punishment	Toleration

for example, that two or three times as many major criminal offenses occur in our cities as are reported to the police.

The probability of toleration appears to vary according to the social status of the offender. To illustrate, the offenses of organizations and of professional or white collar workers are often diverted from criminal processing, and the offenders may be permitted to seek private therapy instead of receiving public penalties. Furthermore, our official stance towards organized crime has long been one of nonrecognition, concealment, and denial. If this protective attitude were abandoned, it would force us to revise many of our beliefs concerning crime causation and control, since present knowledge is based mainly on studies of conventional offenses and their perpetrators. Even for conventional crimes, however, the policy of toleration seems to be more prevalent in the middle and upper classes than in the relatively disadvantaged sectors of the population. In fact, toleration seems to be almost universally preferred over other kinds of reaction, especially if the offenses are considered of minor importance and the victims are willing to have the matter settled informally.

When a more forceful reaction is required, the most prominent method is that of exclusion or some other form of punishment. This is particularly true when the violation involves occupational codes or institutional regulations. Thus the lawyer, doctor, teacher, or minister who violates the norms of his profession is commonly disbarred from further membership. Although he may remain in the community, his exclusion from the profession is often complete and permanent. In addition, the professions, along with other preferred positions, are frequently connected by unspoken rules of reciprocity so that exclusion from one of these positions means, in effect, exclusion from all of them.

The disbarred lawyer, for example, is not likely to be accepted

for training in medicine or social work, and even the youth who is expelled from grammar school may find his relations with religious and other institutions similarly affected. In cases where exclusion from preferred positions is not deemed a sufficient penalty, we may lock up the offenders in prisons or hospitals and in this way deprive them of nearly all normal channels of social intercourse.

What we have, then, is a policy of multiple exclusions which tends to limit the statuses that are accessible to persons who have been removed from a preferred position because of deviant behavior. There is little evidence regarding the strength of these barriers against upward mobility. But it seems clear that the management of status has priority over the reform of these offenders. It also appears that neither the aims nor the methods of rehabilitation are employed to any great extent in the operation of most middle-class institutions.

The flaw in exclusion and other forms of punishment is that the growing number of norm violators creates economic, social, and political costs that the public seems unwilling to bear. And the reduction of these costs is one of the aims of the third kind of reaction to deviance, which is to rehabilitate the offender so that he can gain or resume his position as a productive member of the community. Among the most commonly used rehabilitative devices are professional therapy, group counseling, casework, and academic or vocational training. Indeed some of the best vocational training programs are found in correctional institutions.

The rationale of rehabilitation is so plausible that it is hard to understand why modern methods of treatment are not more successful. One of the reasons for their limited success may be that the individual offender is the prime target of reform. Through vocational training, for instance, an offender may gain proficiency in a certain occupation. But he may fail in the community because he cannot find a job. Or he may have difficulty in working with others and in performing his nonoccupational assignments. Such failure may be the result, at least in part, of the negative attitudes or the exclusionary policies of the community. No significant change in the offender's career is likely to occur until a change is produced in the community's attitudes and practices.

Many people feel that offenders who receive the benefit of rehabilitative programs at public expense should not attain a higher station in life than those who make their way without such services. Where these attitudes prevail, rehabilitation—in spite of the lofty goals proclaimed in its behalf—may constitute something of an obstacle to success and achievement. The person excluded from the professions, by comparison, may face a barrier of lesser magnitude.

What this means is that the rehabilitation of offenders, in order to be successful, will no doubt require the reconstruction of society. If we make the simple assumption that no useful purpose is served by the enactment of contradictory laws or by the enforcement of laws in an inconsistent manner, the need for reconstruction becomes quite clear. It doesn't make sense to give criminals occupational training and to enhance their legitimate aspirations if they can't find a job. And finding a job may be difficult when the presence of six million unemployed individuals is regarded as a normal and sometimes desirable state of affairs. It may be unrealistic to demand that deviants and dissenters use nonviolent methods when in their view the establishment uses force and violence routinely against both external and internal threats to the established order. It may be hypocrisy to expect conformity to the legal code among minority group members if some elite groups can violate the same code with impunity.

These are only a few of the normative contradictions that frustrate efforts at social control and make crime or other objectionable forms of deviance nearly inevitable. Yet proposals to ameliorate these contradictions are often met with resistance. Perhaps the reason is that social reconstruction is likely to disrupt the mechanisms of status management. Some degree of reconstruction is occurring anyway, of course, whether planned or not. And the rate of change is no doubt increasing in modern society, where a pluralistic culture provides norms of sufficient diversity to satisfy people of heterogeneous backgrounds, where there are many different conceptions of right and wrong, and where even the official versions of propriety are sometimes unclear and inconsistent.

Conceptions of moral, legitimate, and even lawful behavior tend to be modified whenever people can find an acceptable rationalization for doing what they want to do. Whether the act was formerly regarded as deviant does not matter. The rationalization encourages the behavior, and the behavior, in turn, reinforces the rationalization. Once accepted, the rationalization is frequently institutionalized and passed from generation to generation as part of the cultural heritage.

Hence the stereotypes employed by our lawbreakers are not the properties of individuals but of groups and subcultures that often reward or reinforce deviant behavior. They are the symptoms of social disorganization, not of any personal deficiency. They are not likely to be eradicated by rehabilitative efforts directed against the individual offenders.

At the same time, the stereotypes used by our officials are also group products. If these stereotypes are inadequate and unrealistic, they too may tend to encourage deviant behavior. Consider the

stereotype of the criminal as commonly employed by the agents of authority. Crime is often regarded as a deliberate act for which the offender alone is responsible, an act which reflects a pervasive and usually permanent defect of character, as indicated in the slogan, "Once a criminal always a criminal." Punishment and stigma are frequently believed to benefit the offender and the non-offender alike, in this way serving the purpose of general deterrence. Officials, accordingly, are expected to make a public display of their repugnance against the offense and the offender. It is likewise expected that others in the community will participate in acts of stigmatization.

The convicted offender, as a result, is ordinarily assigned a stereotyped position characterized by the imputations mentioned. This labeling process may restrict his activities and limit his access to legitimate opportunities. In this way it encourages the offender to exhibit the symptoms implied by the label. For example, there is no word in everyday language by which we can refer to an ex-offender (a rehabilitated offender, let us say) without attaching to him some degree of stigma. Of course, many offenders do eventually attain legitimate positions. Some are employed in the fields of justice and correctional administration. But they often feel compelled to conceal their former status in the interest of maintaining their present position. It follows that everyday language may sometimes serve as a deterrent against the reformation of an offender.

Other stereotypes have played an equally important role in the history of corrections. The abolition of liquor prohibitions, for instance, was considerably facilitated by the notion that "People who want to drink will do it anyway." A similar stereotype is used today with respect to the legalization of gambling, the registration of firearms, drug use, the control of alcoholism, and numerous other activities.

Sometimes our stereotypes are endorsed by the entire community, but in many cases they are restricted to certain groups or individuals. During World War II, for example, some businessmen violated the Office of Price Administration regulations because these were considered to be "unconstitutional restrictions" and "invasions of private business" which interfered with "the law of supply and demand." Similarly, many conventional criminals are sustained in their illegal activities by the belief that "Everybody has a racket," "The real criminals never get sent to prison," and "Only suckers work."

If a person considers the establishment to be corrupt and prejudiced, this tends to justify his dissent and rebellion. The greater the resistance he encounters from the authorities, the greater his

motivation to continue his efforts in what he regards as a just cause. In this way labels such as "criminal," "radical," "hippie," and the like, can sometimes come to be interpreted as symbols of integrity and courage. Punishment, if it is perceived as unjust or unwarranted, may serve as a stimulus to deviant behavior.

It is not surprising, therefore, that the studies of general deterrence often produce inconsistent and inconclusive findings. Perhaps the controversy over capital punishment has provided the most reliable evidence. Most of the evidence comes from studies of states or nations that execute their murderers as compared with those that do not. It seems clear from these comparisons that the execution of murderers has no influence on the rates of homicide or attempted homicide. One of the practical consequences of these studies is the drastic reduction in the number of executions in the United States, from around 170 per year between 1930 and 1939 to 56 in 1960, 21 in 1963, 7 in 1965, and only an isolated case or two since then. Currently the Supreme Court is pondering the constitutionality of capital punishment.

Today there are hundreds of convicted offenders lodged in "death row" under capital sentences. The authorities are reluctant to proceed with the executions until the courts rule on whether or not execution is a form of "cruel and unusual punishment." If execution is declared illegal or if it is generally regarded as unjust, this may help to explain its lack of deterrent effect.

A number of studies suggest that punishment, especially the certainty of punishment, has some relationship to the amount of crime reported in the fifty states. However, the relationship is insufficient to rule out other, probably more important, determinants of deviant behavior. Also, the degree of the relationship varies by type of offense, size of the community, and several other factors. In laboratory experiments punishment and reward have been used to regulate the acquisition of various skills and other forms of learned behavior. Commonsense evidence and the experience of law enforcement agencies seem to corroborate these findings with respect to traffic infractions, false fire alarms, insufficient fund checks, and several other offenses.

By contrast, the severity of punishment seems to have a little connection with offense rates, with the possible exception of a few specific crime categories. Perhaps the most significant findings show that a person's estimate of the likelihood of punishment may be more important in determining his behavior than is the actual probability of punishment. Important too are the rewards expected to be gained from law violations. Hence the belief that the criminal is certain to get caught and that crime does not pay may tend

to have some deterrent influence. The problem is one of establishing and reinforcing such beliefs in the face of overwhelming evidence that the beliefs are contrary to fact.

Chapter Two: Theoretical Foundations in Crime and Corrections

Introduction

Much that is known about crime and criminals can be derived from our conception of man as a social and moral animal. Crime is not typically a solitary activity; it flourishes primarily where it receives group support. Crime is not ordinarily a group or an individual innovation; it develops its own history, patterns and settings. Crime does not receive universal moral condemnation; it is often justified by its perpetrators as a means to higher goals and values. In these respects crime shares certain features that are common to all social action. The things that differentiate between crime and conformity, then, are, first, that crimes are proscribed by statute and, second, that official sanctions are prescribed as a means of crime control.

The characteristics of offenders depend in part upon the community's mechanisms for defining, identifying, and controlling criminal behavior. We have already noted that the sanctions prescribed for criminal behavior are often circumvented in practice. It therefore is not surprising for us to find a considerable difference between official and unofficial descriptions of the offender. Our official data come mainly from observations of persons arrested by the police, convicted in court, or committed to correctional institutions. Moreover, the traits may vary somewhat, depending upon the stage in the judicial cycle at which the data are collected. The system of justice engulfs large masses of individuals at the point of arrest and, by a process of successive eliminations, reduces the number to a few who are eventually confined in our correctional institutions. The further along this cycle we select our sample of offenders, the greater the differences observed between the sample and the total population.

From arrest records, court files, and institutional case histories, a portrait of the offender emerges which progressively highlights the effects of both the criminogenic influences in our complex urban society and the stigmatizing consequences of legal decisions. The offender who is confined in prison, as compared with all those arrested, is far more likely to be a member of an ethnic minority; to come from the lower social classes; to be poorly educated, chronically unemployed, divorced, or separated; to derive from an inadequate home in an underprivileged neighborhood; and to possess a record of previous criminality. Somehow the better

situated and more qualified individuals tend to be eliminated from the correctional cycle before they reach the prison. Thus, if we wish to identify the factors associated with criminal behavior, instead of those primarily associated with the decisions of authorities in the justice system, we are perhaps better off to consider the data obtained at the time of arrest. We have relatively little information on offenders who escape arrest, though it is certain that considerable screening of law violators occurs prior to any official action by the police.

Arrest data show that the majority of offenders are white, male, and over 24 years of age. But the proportions vary by type of crime and a lot of other things. For example, adults make up the highest proportion of those arrested for fraud, embezzlement, gambling, drunkenness, vagrancy and the like. The peak age of criminality is under twenty four, however, for many other offenses, especially those involving aggression or the threat of violence. Juveniles are most frequently arrested for burglary, larceny, and auto theft, and the maximum incidence of these offenses is in the fifteen year age category. In addition, the number of arrests of young people fifteen to seventeen years of age is increasing faster than for any other age grouping.

In 1965, the arrest rate for persons fifteen to seventeen years of age was 2,467 per 100,000 individuals, while the rate for people fifty years old or over was only 55. Among violent offenders—those arrested for murder, rape, robbery, or assault—the highest rate occurred in the eighteen to twenty year old grouping, followed closely by offenders in the twenty-one to twenty-four year age bracket. These young adults had a rate of arrests for violence of nearly 300, compared with a rate of 24 for those fifty years old or over.

Sex variations in arrest rates are also apparent. Only a small minority of our arrested offenders are females. For violent offenses, the arrest rate among males is nearly ten times as high as among females, and it is nearly twenty times as high for offenses such as arson and vandalism. Prostitution is alone among the major offense categories in revealing a higher rate for females than for males. However, arrests for offenses against the person have recently shown a considerable increase in the proportion of female offenders, and the female arrest rate for property offenses has been increasing faster than the male rate in the past few years.

Racial differences in crime rates are equally prominent. The rate of arrests of nonwhite persons exceeds that of whites by a ratio of 7 to 1 for violent offenses, 4 to 1 for property offenses, 3 to 1 for liquor and narcotics violations, and 2 to 1 for arson and vandalism (Turk, 1969). These findings, of course, do not prove

that there is any biological propensity towards crime and violence among Negroes or other ethnic minorities. In fact, the discrepancies in crime rates are about what one would expect in view of our discriminatory practices, the inequality of opportunities, the black man's cultural heritage, and his disadvantages in most social, economic, and political endeavors. In other settings his involvement in crime and violence is remarkably low. Thus, a recent study of homicide among African natives shows an estimated rate of 1.2, which is among the lowest reported anywhere.

While the crime rates for Negroes are uniformly high in nearly all parts of the United States, there are wide variations in the rates for whites. For example, homicide rates for whites in the Southern states are three or four times as high as for whites in most other parts of the country. Accordingly, the high rates for Negroes who migrate from Southern to Northern states may be partly due to the survival of attitudes and practices that are transplanted from the dominant white culture of the South. Indeed, there is some evidence that homicide rates for Negroes in various parts of the country can be fairly well predicted by simply projecting the homicide rates in the states where the migratory Negroes were born.

Nearly all of the studies show that our arrested offenders come largely from the lower social classes, the ranks of the unemployed or the unskilled occupations, and the sectors of the community that can be described as disorganized, deteriorated, and deprived. Prisoners come mainly from the same kinds of social settings. It follows that the personal and social differences between our arrested offenders and those who are imprisoned are largely a matter of degree rather than kind, and that the varieties of criminality to which our society reacts are a manifestation of a rather small segment of the population.

The crime picture, as we have already noted, is considerably different if we examine the data from self reported offenses and from other unofficial sources. From these data we get a picture of crime as a pervasive phenomenon that permeates the entire social structure, one that is by no means restricted to disadvantaged individuals and groups. This discrepancy between official and unofficial data needs explanation, and a comprehensive theory must therefore concern itself with not only the causes of crime but also the determinants of society's reaction to criminal behavior.

Some Steps Towards a Comprehensive Theory of Crime

The construction of criminological theories has several objectives. It tries to provide a conceptual framework to assist in the accurate observation and reliable description of crime and the

reaction to crime. It attempts to formulate a system of basic postulates by which crime and societal reaction can be explained. It strives to establish a foundation of knowledge and method that under certain conditions may make it possible for us to control or to regulate criminal behavior and societal reaction. Finally, and perhaps most importantly, it aims to develop a workable conception of criminal justice. These objectives are especially difficult to achieve in criminology because of the different moral, legal, social and psychological meanings that are commonly attached to the basic concepts.

Although much progress has been made in recent years, there is today no single theory of criminality that has attained sufficient comprehensiveness and corroboration to serve as an effective guide to programs of rehabilitation and social control. Instead, there are several heuristic theories that range over a wide variety of concepts, varying greatly in their coherence and utility. Some are stated in such general terms that they seem incapable of disproof. Allowing for every conceivable kind of human behavior, they prove nothing. Other theories are so narrow and detailed in their application that it is hard to see any relevance to social action and reaction. We can here only briefly describe the main types and trends, which perhaps indicate some avenues of future development.

Criminological theories are ordinarily classified as biogenic, psychogenic, or sociogenic. Biogenic theories attempt to locate the causes of crime within the biological organism—the individual's genetic heritage, the bio-chemical functioning of the body, or the behavioral propensities of the species. Psychogenic theories, by contrast, focus mainly on the cognitive and affective processes that are involved in the development of a socialized person, and they usually describe these processes in terms of learning, reinforcement, modeling, interpersonal relationships, and the like. Sociogenic theories, again, tend to stress the structural features of the communities and organizations to which a person belongs, especially their demographic characteristics, their ecology, their division of labor, their opportunity systems, their legal and normative foundations, their distribution of rewards and penalties, and so on.

The theories examined in this chapter are mainly of the biogenic and psychogenic varieties. They try to explain crime in terms of the characteristics ascribed to individual actors. They differ among themselves chiefly in their conceptions of what the criminogenic characteristics are and in their assumptions concerning the origin and development of these characteristics.

Deprivation Theory

Heredity. With the advent of reform as a major correctional objective, the idea evolved that the criminal is not necessarily depraved or wicked, and that his behavior may reflect certain inadequacies in his biological, psychological, or social make-up. The notion that criminals are biologically inferior has long had widespread appeal. This is evidenced by the way some ethnic and national groups have been portrayed in folklore and tradition as having strong predispositions towards crime. One consequence is that the attempt to identify physiological traits that are unique to law violators has been a significant research objective for many generations.

The efforts to date have not been very rewarding. Although some physiological differences between groups of criminal and noncriminal subjects have been reported by Lombroso, Eyrich, Hooton, Sheldon, and others, the observed differences have varied from one study to another, and the definition of inferiority has varied accordingly.

A more careful investigation by the Gluecks found that delinquency seems related to a number of physical traits that are often given a favorable connotation in our society. More delinquent than nondelinquent subjects displayed the predominant traits of mesomorphic structure, including things like large size, heavy skeleton, muscular development, and so on. But certain personality traits and background variables were found to distinguish between the two groups as well. Even if athletic physique were more common among delinquents than nondelinquents, it is not clear how this finding should be interpreted. For instance, juvenile gangs, in recruiting new members for the rough and tumble world of deviant behavior, may tend to select the strong and agile youths and exclude the fat and inactive or the weak and sickly ones. If this is the case, then the allegedly mesomorphic conformation of the gang's members may be regarded as a result of the social processes involved in selection and recruitment, and not necessarily the consequence of any affinity between mesomorphy and delinquency.

Sometimes the argument concerning hereditary inferiority is turned around so that crime and other forms of conflict are seen as serving useful social functions. Some of the alleged functions are the proper spacing of individuals over the available territory, the selection of those best fitted to survive, and the establishment of a hierarchy of power which maintains orderly relations between the stronger and the weaker individuals and enables the younger generation, when it is immature and dependent, to profit from the

efforts of its more dominant elders. But it is doubtful that a theory of such generality can be tested by any conceivable research procedure.

This does not mean that all biological theories should be rejected. There is little doubt that criminal aggression, like other forms of social behavior, is influenced by experience and learning, or that the rate of learning can be influenced by physiological factors. The influence of variables such as diet, fatigue, hunger, pain, sex drive and many others has been documented in numerous studies, and there is no good reason for assuming that their impact is restricted to situations that elicit only unaggressive responses. The mechanisms of learning and adaptation are probably much the same for aggression and criminality as they are for other kinds of acquired behavior. Moreover, behavior is certainly connected with the functioning of the brain and nervous system, glandular secretions, and the chemical content of the blood.

These findings have implications for social control. Many kinds of behavior, including aggression, can be elicited or inhibited by the electrical stimulation of appropriate brain areas. And the same effects may sometimes be produced by lesions or other forms of brain damage and by certain changes in blood chemistry. It therefore seems likely that some forms of criminal aggression may be capable of control by brain stimulation and by the administration of drugs. Already some degree of control seems often to be achieved by chemotherapy in correctional institutions, mental hospitals, or psychiatric clinics, and further contributions to knowledge of the underlying mechanisms will no doubt result from research in progress. These treatments, of course, are not specific to criminality, but are relevant to general mental health.

Other contributions to our control capability may come from research on the genetic process itself. Some human infants, perhaps one in fifty or so, are born with defective gene structures which greatly increase the probability of diseases such as Mongolism, for example. This disease is generally characterized by certain distinctive physiological traits, a greatly retarded intellectual development, and a life expectancy of around ten years.

Although the genes are invisible, they are clustered on chromosomes that can be observed under a microscope. The chromosomes are transmitted from parents to offspring by a process that can best be described in statistical terms. Normally, the individual has 23 pairs of chromosomes, 46 in all. One chromosome of every pair is ordinarily derived from the father and the other from the mother. This means that half of the chromosomes in the father's sperm and half of those in the mother's egg cell are usually dis-

carded in the process of reproduction. Which ones are discarded is apparently a matter of chance.

Except on rare occasions the reproductive process works with sufficient efficiency to produce a physiologically normal offspring. But accidents sometimes happen which give an individual an unusual number of chromosomes, or the chromosomes may be dislocated and the ordinary pairings may be disrupted. These dislocations and disruptions presumably produce a physiologically abnormal individual.

Such aberrations can often be identified before a child is born. During its growth in the mother's womb, the human fetus sheds some of the cells of its skin, and other cells may be discharged from its mouth and bladder. These cells may be extracted from the fluid in which the fetus is floating and their chromosomes may be analyzed for abnormalities that are predictive of Mongolism or other gross deformities. If severe malformation is found, the pregnancy may be terminated surgically under the laws of several political jurisdictions.

A distinctive irregularity has recently been reported in the chromosome structures of several violent criminals. The number of such cases is small, and the evidence supporting any connection between aggression and genetic development is far from conclusive. However, the criminal courts are already beginning to take note of an offender's biological heritage in deciding whether he should be held responsible for his actions and convicted of criminality.

Whatever the merits of this legal maneuver, it seems unlikely that genetic factors can account for many law violations. The vast majority of our criminal offenders appear to be biologically indistinguishable from the rest of the population. Furthermore, acts of criminal violence are the exception, not the rule, even among persons who are identified as having abnormal genetic structures. This is especially the case if we take into account the prolonged periods of relatively sanguine conduct that are often interspersed among the violent episodes. Such variations in behavior, of course, cannot be explained in terms of heredity or any other constant factor. It takes a variable to explain another variable.

Psychopathy. These are some of the reasons why most contemporary statements of deprivation theory tend to stress social and psychological influences over physiological inadequacies. The newer versions hold that crime is a consequence of mental pathology, which in its extreme forms is often called phychopathic or sociopathic personality. Numerous symptoms of such pathology have been reported by different researchers, including egocentricity, demand for immediate gratification, inability to coordinate activi-

ties with others, lack of empathy or insight, poverty of affect, and many more. The pathology and its related symptoms are regarded as products of personal or social deprivation, with the emphasis on defective socialization, interpersonal conflicts, and inadequate family relationships, especially in the offender's early years.

A number of empirical hypotheses can be inferred from this theory. The criminal offender, for example, may be expected to exhibit a variety of behavior problems. The personality of the child, which is viewed as largely the product of parental guidance, should be an efficient indicator of his entire career. Juvenile delinquency should be a good predictor of adult misconduct. Furthermore, crime ought to be most prevalent in disadvantaged areas where there are inadequate facilities for effective socialization and where parental ignorance or disinterest often results in failure to use the resources that are available.

To prevent crime, then, we need broad programs aimed at alleviating the harmful social conditions found in slums, ghettos, and among the working classes in general. And the treatment indicated for criminals involves individualized programs of academic and vocational training, professional counseling, and firm but warm and friendly supervision by the agents of authority. These, of course, are some of the ideas that have served as a foundation for many of our recent efforts at crime control.

However, the theory does not fare so well when subjected to a rigorous test. Conventional treatment in prison shows little, if any, impact on the probability of recidivism. Slum clearance and other programs of social amelioration have not been very effective in preventing crime. Most studies reveal only slight and often unreliable differences between the personality characteristics of offenders and nonoffenders (Waldo and Dinitz, 1967). Either the theory is inadequate or we have been misguided in our applications of it in research situations and in the field of social policy.

Some of the problems of application and interpretation are reflected in a recent study comparing the adult careers of more than five hundred individuals who had been treated in a St. Louis child guidance clinic and a group of one hundred individuals who showed no special behavior problem in childhood (Robins, 1966). Nearly three-fourths of the clinic cases were referred for antisocial conduct, and most of the remainder exhibited various kinds of neurotic symptoms. Thirty years after their initial clinic appearances it was possible to obtain information on about 80 percent of the cases by interviewing either the subjects themselves or their relatives. This allowed for a comparison of the later careers of the antisocial subjects, the neurotics, and the normals.

In their adult life only 3 percent of the normal subjects had

serious criminal records, while 44 percent of the male antisocial patients had been arrested for a major crime. The latter group also showed a high rate of drunkenness, divorce, psychiatric problems, occupational instability, and welfare assistance. By contrast, those whose original clinic referrals were for neurotic symptoms had adult adjustments closely resembling those of the normal subjects.

The poorest social adaptations were made by those subjects who were eventually classified as having psychopathic personalities. In order to be so classified it was necessary for an individual to show symptoms of maladjustment in five or more of nineteen areas of social activity, including drug use, sexual misconduct, financial dependency, inadequate employment record, and the like. In all, the sociopathic designation was applied to 22 percent of the clinic subjects and 2 percent of the normal sample.

Such evidence is often cited in support of the theory of deprivation. But the argument is primarily tautological. The evidence of inadequate performance is used to justify the labeling of a person as a sociopath, and the label is then used to explain the inadequate performance. The explanation is merely an expression which describes the events to be explained. Since it cannot conceivably be denied by the evidence, it explains nothing.

Although the study shows that many deprived persons have numerous and persistent problems of adjustment, some of its findings are in fact inimical to the notion of sociopathy. For example, the data indicate that the antisocial children were less likely to become sociopaths if their cases were diverted from the courts and the correctional institutions. Also, about a third of the persons classified as sociopaths seem to have discontinued much of their deviant behavior by the time of the follow-up investigation. It is clear that personality variables alone cannot explain these findings.

The theory of deprivation, while it may help us to understand the deviant behavior of some individuals in certain circumstances, leaves out too many important variables to serve as a general explanation of crime and corrections. No doubt some offenders do suffer from identifiable forms of personal deprivation, but others do not. Some continue their deviant careers through adult life; some do not. Some respond favorably to training and treatment; some do not. Some endorse conventional values and the laws of our society, while others may see the Establishment as an unjust and illegitimate system of oppression. It is obvious that a more comprehensive theory is needed to explain such variations in the career patterns of our law violators.

Learning and Reinforcement Theory

Conditioning. Most theories of learning view deviance as a response to environmental pressures, and they therefore try to identify the kinds of environmental situations that elicit criminal behavior. They postulate a relationship between stimulus and response, S → R, that is based on continguity in time and place. To illustrate, if a certain response, such as violent assault, occurs when a given stimulus situation is present, that situation will tend in the future to elicit the same kind of response.

An organism's behavior is viewed primarily as a product of three main sets of forces: the frequency, consistency, and intensity of the stimulus and of its related response; the organism's history with respect to the stimulus → response events in question; and the relevant states of the organism, especially its mental set, focus of attention, and condition of satiation or deprivation. There need be no rational or other symbolic connection between the stimulus and the response; the only requirement is their juxtaposition in time and place.

The basic principles of learning theory are those of classical and instrumental conditioning. The theory deals with probabilities instead of certainties, and it is essentially a heuristic device for organizing a wide variety of observations concerning repetitive behavior. From a few simple principles, more complex S → R constellations can be derived in an attempt to explain some of the intricacies of language behavior, social interaction, cooperation, and deviance. We start with the elements of classical conditioning and progress through a few of the more complex formulations that have been developed in studies of instrumental learning (Staats, 1968).

1. There are some stimuli that can ordinarily elicit a response even though the organism has had no special training related to the stimuli. Such a stimulus is generally called an unconditioned stimulus, and the response is often reflexive, involving the internal organs and glands. But motor responses and emotional states may also be produced in the same manner. Thus, if an organism is not in a state of satiation, the presentation of food tends to produce a salivary secretion, and a loud noise may elicit a "startle" reaction which is sometimes accompanied by flight and fear.

2. A stimulus that does not initially elicit a response may come to do so after it has been contiguously paired with an unconditioned stimulus which does elicit the response. When a stimulus gains the capability of eliciting a response in the absence of the unconditioned stimulus, it is usually called a conditioned stimulus. For example, the ringing of a bell, a conditioned stimulus, may elicit a salivary response after it has been paired with

the presentation of food, an unconditioned stimulus. Eventually the bell gives rise to the salivary response even if there is no food.

This principle has several important corollaries. First, a conditioned stimulus tends to transfer its power to other similar stimuli in what is known as the process of generalization. Other auditory stimuli can often be substituted for the ringing of a bell, for instance.

However, if the first of two similar stimuli is consistently paired with an unconditioned stimulus while the second is not, the former will ordinarily come to serve as a conditioned stimulus, but not the latter. A high-toned bell, for example, may elicit a salivary response when one with a lower tone does not. This is known as stimulus discrimination.

A third corollary deals with the process of extinction, which means that a conditioned stimulus tends to lose its ability to evoke a response unless it is occasionally paired with a stronger unconditioned stimulus. The dog that has learned to discriminate among a variety of kitchen sounds may come to be fed when he hears the refrigerator door being opened. But if his master ceases to feed him when he appears, he may tend to lose this particular skill.

3. Many stimuli, whether conditioned or unconditioned, are capable of transferring to other new stimuli their capacity to evoke a given response. For example, the ringing of a bell, once it has been conditioned to elicit a certain response, can be paired with auditory expressions such as "Food," "Lie down," or "Sit up" so as to evoke the same response. A similar effect can be produced by pairing the bell with visual or tactual signals. Much of the training of domestic animals involves the establishment of associations between verbal or other cues and certain patterns of motor response.

4. Perhaps the most important forms of learning, however, are those involving the principle of reinforcement. When the presentation of a stimulus is made contingent upon the prior performance of a desired response, the stimulus tends either to strengthen or to weaken the response. This effect is called reinforcement and the stimuli involved are reinforcers. The processes of generalization, discrimination, and extinction, among others, apply to reinforcement and to higher order learning as well as to the simpler kinds mentioned previously. In addition, the scheduling of reinforcers is especially significant in instrumental learning, since the periodic reinforcement of a response seems to be more effective in some situations than a program of continuous reinforcement.

There are two kinds of reinforcers. One is a positive reinforcer,

or reward, which increases the probability of a certain response when presented and decreases its probability when the reward is withheld. A child, for instance, may learn that if he behaves properly his parents will reward him with money or with something else that he values. But the probability of his good conduct may tend to be lessened somewhat if there are prolonged intervals of time when his good behavior is not followed by the expected reward.

A well trained child may to some extent provide his own reinforcers for good conduct by developing feelings of achievement, pride, and other forms of self-esteem. Sentiments such as self-esteem are products of conditioning, and they therefore need to be reinforced by material rewards or by the favorable evaluation of other persons if they are to serve as effective stimuli.

Precisely the opposite kinds of influences on behavior are exerted by negative reinforcers, or aversive stimuli. That is, a negative reinformer (punishment, for instance) which is made contingent upon the performance of an undesired act tends to decrease the probability of the act when the reinforcer is presented, and to increase the probability of the act when the reinforcer is withheld. Thus, a child who is punished in some way for getting into his father's liquor cabinet may learn to inhibit this kind of exploratory venture. Or a football player may learn to wear helmet and pads in order to minimize pain, a negative reinforcer.

5. It follows that any given stimulus may have multiple functions. For example, pain, if induced by a pin prick or some other sensory stimulus, may be regarded as a response in a specific S → R event. Again, pain is usually an unconditioned stimulus for an avoidance reaction. Or it may serve as a discriminative stimulus in eliciting differentiating responses to a cold and a hot stove, a friendly and an angry dog, and so on. It may also be induced by a slap on the wrist and serve as a negative reinforcer to discourage certain patterns of behavior. Indeed, it may sometimes function as a positive reinforcer, as in the case of a distance runner who suffers great pain while trying to develop his endurance in anticipation of strenuous competition.

Once a symbol such as the word "pain," or some functional equivalent, is associated with certain conditions of the organism, the potential for learning is greatly increased. The formation of such associations enables people to communicate meaningfully about objects and events in their absence, to share different views and examine them objectively, and to profit from the reported experiences of other persons. Through the pairing of words with certain motor responses, for example, it is sometimes possible to

bring much of man's vast repertoire of physical skills under voluntary control. Pairings can be arranged in a sequential order, complex skills can be acquired in a brief span of time, and an athlete can be trained in a few years to accomplish feats of skill that may have taken men centuries to develop.

In such training, words and other symbols may serve as conditioned, reinforcing, or discriminative stimuli; and they are often presented as rules, or behavior prescriptions, that are enforced by coaches or trainers. Far more complex S → R sequences and constellations, of course, are involved in the development of science and other systems of inquiry which pay particular attention to the interrelations among symbols, not only their connections with the objects and events of man's experience. By learning the rules of scientific method and examining the reports of such inquiries, a scholar in a few years can become acquainted with much of the knowledge that man has acquired through the ages.

Changing conditions and variations in personal experience may produce confusion over the meanings of cultural stimuli, especially in pluralistic societies characterized by diverse prescriptions and conflicting belief systems. Hence a stimulus that serves as a positive reinforcer in one situation may be a negative reinforcer in another. There is little doubt, for instance, that the punishment inflicted upon the early Christian martyrs tended to nurture their allegiance to the gospel and to strengthen the loyalties that evolved among the members of the oppressed group. Nor is there much question that similar reactions to allegedly aversive stimuli are today occurring among some of our dissenters, rebels, and oppressed minorities.

This raises an issue concerning the relative merits of positive and negative reinforcement, an issue on which the evidence is yet unclear. Positive reinforcement appears to have an advantage, in that behavior which conforms to social norms often leads to an immediate reward. Punishment and other negative reinforcers, by contrast, are usually represented as a threat of dire consequences in the event that nonconformity occurs. Such threats, no doubt, are a powerful deterrent for those persons whose experience includes a number of occasions when the threat was associated with punitive action. But the threat may be of little consequence for those individuals who see no probable association between the word and the deed. The problem is that in order to test the validity of the threat an actor must violate the rule; so long as he conforms, he can get no direct evidence as to the sincerity with which the threat is made. We have already noted that criminal behavior only rarely elicits the punitive response that the law prescribes.

For these reasons, it appears that the deterrent effect of the law

may apply primarily to people who endorse and have faith in the system of justice. Such endorsement is not often exhibited by our law violators. For people who reject the system or feel they are mistreated, severe punishment may serve as a positive reinforcer, a stimulus to criminality.

Many correctional authorities are beginning to have doubts about the efficacy of severe penalties. Evidence for this view comes from a recent study by the California legislature concerning the relationship between crime rates and the length of time served by offenders in the prisons of our fifty States. The study concluded that the length of sentence is not closely related to the incidence of criminality and that factors other than the threat of punishment no doubt have a greater influence on the crime rates. Essentially the same findings are reported in many other studies.

Social Learning. According to theories of social learning, many of the symbolic stimuli that evolve out of social interaction may be related to crime causation. Among the things investigated are the way a person defines his goals and objectives, the way he considers various methods of achieving these objectives, the way he anticipates the responses of other individuals and groups with whom he is involved, and the way he employs social models in developing his standards of conduct. For example, a person can learn complex response sequences, including motivational and judgmental standards, by simply observing the performance of another person who plays the role of a model in a given situation. Research shows that these models, whether they are parents, other adults, peers, or only actors observed on film, can exert a powerful influence in the learning of sex roles, occupational ideologies, ethical judgments, or the craftsmanship of strongarm and burglary.

If the observation of deviant models is one of the sources of criminal motivation, our environment is replete with criminalistic stimulations. Although there are few good studies of the effects of the mass media, a number of laboratory experiments attest to the significance of modeling (Bandura and Walter, 1963; Bandura and Kupers, 1964; Berkowitz, 1963). In one such study, for instance, children were exposed to an adult model who behaved in an aggressive manner towards a large plastic doll, striking it with a clenched fist, kicking it, and hitting it with a club. Later these children exhibited almost identical acts of violence when given an opportunity to play with the doll. Other children, after observing a model behave in an unaggressive manner, rarely displayed any violence in handling the doll.

Furthermore, the children who observed a violent model being reprimanded for her aggressiveness were less likely to display hostility towards the doll than were children in groups where the

model went unpunished. Even in cases where the only punishment received by the model was in the form of self-recriminations and expressions of regret, the child's observation of the judgmental process seemed to affect his own behavior. If the model rewarded herself for her aggressive actions, on the other hand, this served as an added inducement for the children to act aggressively. Thus, whichever mode of reinforcement was employed by the model, it tended to elicit similar self-rewarding or self-punishing responses among the children who engaged in the same kinds of activities.

Most children, of course, learn to discriminate between play-acting and real life. But the evidence suggests wide variations in their discriminative capabilities, and there is no good reason for assuming that the principles of behavior which apply in the laboratory are inoperative when the child is at home watching television or reading comic books. If scenes of violence and aggression are repeatedly presented in pleasant and rewarding situations, as is often the case in the fields of entertainment or recreation, it seems unlikely that such occasions will produce a negative attitude towards the behavior in question. To argue otherwise would tend to deny a basic premise of modern advertising, which is that to sell a product (violence) one should establish a strong association between the product and something people already view favorably (entertainment). And it may be largely irrelevant that the "good guys" are nearly always represented as eventually prevailing over the "bad guys," since both sides employ essentially the same tactics during the struggle. It therefore should not be surprising if our children learn that force and violence are all right so long as they are employed for constructive purposes.

Other applications of learning theory to the crime problem are found in studies of criminal careers. Many crimes can be viewed as the culmination of a series of S → R events in which an abnormal or illegal response is associated with fairly common stimuli. Often the career begins with minor problems that could easily be corrected, except that the offender, because of ignorance or guilt feelings, is unwilling to seek assistance. Consider, for example, the case of an offender who was imprisoned after hiring children to mutilate him sexually by using knives, fingernail files, or other sharp objects. On these occasions he usually had an orgasm but did not assault the children.

A man in his early twenties, this offender had been reared in a religious, hard-working, farm family and was taught that all sexual behavior, except that involving husband and wife, is sinful. It was reported that in his youth he was an unusually well behaved boy. He worked as a farm hand and rodeo performer. It was during one of his rodeo performances that an event occurred which

altered many of his attitudes and practices, and led eventually to his criminal conviction. While riding a bucking horse he experienced an orgasm. He immediately interpreted this as evidence of sexual perversion and suffered from severe guilt feelings and self-recriminations. The next time he prepared to ride in a bucking contest, he reproduced the self-accusations as he mounted the horse. The animal, of course, reproduced the physical stimuli, and another orgasm occurred. In a short time the accusations, anticipations, and orgasms were associated in what was apparently a quite common experience for him. Later he learned that some prostitutes would cater to his desire for sexual violence, and in a few years he turned to children because, as he explained it, they were less costly and more understanding.

Cases like this demonstrate that serious behavioral inadequacies may sometimes originate in the misinterpretation of casual or accidental happenings. They also indicate that the theory of learning may have implications for social control. Many offenses might be prevented if the community's members were better informed regarding behavior problems, especially the kinds of problems that are likely to be met with an attempt at concealment. Accordingly, some correctional institutions are developing special training programs for various kinds of offenders. Group discussions are aimed at getting prisoners to exchange ideas and experiences concerning personal problems, institution policies, and the routine events of everyday life. Organizations of alcoholics, drug users, and other categories of offenders are able to provide guidance, reinforcement, and social pressures designed to encourage conformity among their members. Teaching machines are used to raise the level of literacy in prisons and other institutions. Some juvenile institutions try to develop a sense of responsibility among inmates by rewarding desired behavior with tokens or other kinds of credit that can be exchanged for commodities, privileges, or services of the offender's choice. In all of these programs the principles of conditioning and reinforcement are employed in retraining and resocializing the offender.

Despite its utility in situations such as those mentioned, the theory of learning has several important defects. First, the concepts of stimulus, conditioning, reinforcement, etc., are ordinarily operationalized in such a way that the theory tends to be tautological. The interdependence between stimulus and response is such that one may have to observe the latter in order to identify the former. We may have to observe the rodeo performer's behavior, for example, before we can determine which stimuli are influencing him. Again, the concepts of conditioning, extinction, and reinforcement seem to cover any changes that might conceivably

occur in any given S → R association. If a previous association is strengthened, we call the stimulus a positive reinforcer; if weakened, a negative reinforcer. And if something has no influence on the association, we simply call it a neutral stimulus. Unless the conditions that produce a certain kind of reinforcement can be identified independently of the responses to be explained, it is obviously difficult to test the theory or to disconfirm it. A theory that runs no risk of disconfirmation is faulty in its conceptualization.

A second difficulty is that the theory focuses almost entirely on the S → R histories of individuals. It therefore pays relatively little attention to the social and cultural factors that are prominent in several other theories. Many researchers feel that its relevance to crime and corrections is limited on this account.

Theory of Differential Association

The most eminent figure in the history of American criminology is Edwin H. Sutherland. His studies of white collar crime and of criminal behavior systems, such as professional theft, were instrumental in discrediting the notion that crime is a manifestation of the alleged inadequacies of people in the lower classes. He also founded the theory of differential association, which is fundamental to most contemporary explanations of criminality even though it has remained essentially unchanged in the last thirty years.

A few simple ideas are basic to the theory. Crime is a political designation. It is defined by governmental authorities. In societies that are characterized by culture conflict, the definitions may be inconsistent and they may receive something less than universal endorsement. In other words, people may vary in their relative attachments to criminal and noncriminal definitions. The acquisition of behavior patterns is a social, not political, process. The skills and the motives that are conducive to crime are learned as a result of contacts with criminalistic definitions and other patterns of criminal behavior.

More elaborate expressions of these ideas are contained in the theory's postulates as outlined below:

1. Criminal behavior is learned. In this respect crime is similar to all other forms of social behavior. Crime is neither inherited nor is it invented by unsophisticated persons. Presumably, the principles of learning previously mentioned apply to crime as well as they do to other kinds of responses (Burgess and Akers, 1966).

2. Criminal behavior is learned as a result of the communication that occurs in social interaction, and this communication is most effective in primary groups that are characterized by in-

timacy, consensus, and shared understandings. Impersonal communications, in general, are less effective.

3. When criminal behavior is learned, the learning includes both the techniques that are necessary in order to commit the crime and the motives, rationalizations, and social definitions that enable an individual to utilize his criminal skills. In some situations (societies, neighborhoods, families, groups, etc.) an individual is surrounded by people who almost invariably define the laws as rules to be observed, while in other situations he encounters many persons whose definitions are favorable to law violations. Although the relative numbers of people who endorse criminal and noncriminal definitions may vary in time, place, and other circumstances, it seems almost inevitable that there will be some conflict over the efficacy and the morality of legal codes, especially in pluralistic societies.

4. More specifically, criminal behavior is learned when an individual encounters an excess of definitions favoring law violations over those that support conformity. This is the basic principle of differential association. It refers to the counteracting influences of both criminal and noncriminal contacts, and it maintains that the probability of criminal behavior varies directly with the number of criminal definitions and inversely with the number of noncriminal definitions. Hence the generic formula for criminal behavior may be written as follows:

$$\text{Probability of crime} = \frac{\text{Definitions favorable to violations}}{\text{Definitions opposed to violations}}$$

5. Differential association with criminal and noncriminal behavior patterns may vary in frequency, duration, priority, and intensity. Frequency refers to the number of contacts during a given interval of time. Duration indicates the length of time during which a pattern of contacts is maintained. Priority designates an individual's age at the time he establishes contact with distinctive behavior patterns or develops certain modes of response. Intensity is not precisely defined but deals with things such as the prestige of the carriers of social norms or the affective attachments that may be generated among individuals involved in certain contact patterns.

In an exact statement of the theory, of course, measures of frequency, duration, priority and intensity would be used in assigning appropriate weights to the criminal and noncriminal definitions that appear in the generic formula. Such measurement, however, is a difficult procedure requiring far more information than is ordinarily available, and it has been only approximated in studies to date (DeFleur and Quinney, 1966).

Although there are difficulties in attempting an exact formula-

tion of the theory, its claims are generally plausible. They are also significantly different from those of the theories mentioned previously. Instead of regarding crime as a product of personal inadequacies or of abnormal learning experiences, differential association implies that a society's norms may include criminal as well as noncriminal prescriptions, and that criminal behavior is to be expected of those individuals who have internalized an excess of definitions favoring law violations sufficient to prevail over their noncriminal definitions. Furthermore, it denies that law violators are the only sources of criminal skills and motivations, maintaining that persons who have never been arrested may serve as carriers of criminal definitions and rationalizations. Since these definitions, skills, and rationalizations are by no means restricted to the city slums or to the lower classes, it follows that criminal behavior may be indigenous to all segments of society, including our most hallowed institutions. In this way the theory brings a sharper focus on some of the social and cultural factors involved in crime causation.

The importance of this focus is apparent when the theory's claims are compared with the relevant empirical evidence. Criminal statistics suggest that offenses such as vagrancy, disorderly conduct, and most violations of vice laws are mainly concentrated in the lower classes; but homicide, assault, and many street crimes are distributed throughout the social spectrum, even though their greatest frequencies are usually found in highly urbanized and socially heterogeneous areas. Malfeasance, illegal fee-splitting, and certain other kinds of political and economic infractions, by contrast, are found almost exclusively in the more privileged groups and classes.

While all of the theories mentioned are more or less in accord with official statistics on the distribution of conventional offenses, differential association has the added virtue of providing at least a partial explanation of white collar crime, organized crime, and other esoteric offenses that are often committed by elite groups or by middle class members who appear to experience few social deprivations or psychological aberrations. Moreover, differential association explains specific offenses in terms of specific social definitions. Perhaps its strongest support come from studies showing distinctive patterns of criminality among professional workers, large corporations, designated neighborhoods and families, some minority groups, rural residents, and numerous other sectors of the community (Cressey, 1964).

Accordingly, differential association has certain advantages over the other theories. For example, middle class and corporate offenses are a special source of embarrassment to deprivation theo-

rists, who usually try to solve the problem by restricting their attention to street crimes as reflected in police and court statistics. This solution is not very convincing, however, since most of the surveys of self-reported offenses reveal only slight variations among the social classes with respect to the conventional offenses reported. It therefore appears that deprivation theory may tell us less about law violations than it tells us about the reactions of authorities to different categories of law violators.

A clear conceptual distinction between law violations and societal reactions to violations is fundamental to the theory of differential association. Crime is a legal concept relevant to studies of the justice system and of official decisions, while law violation refers more directly to the behavioral phenomena the theory is intended to explain. By combining these two concepts as follows, we get a simple paradigm illustrating some of the general concerns of criminology as well as the more specific focus of differential association:

Table 2.1 Law Violations and Societal Reactions

A. Law Violation	B. Official Reaction	
	B1. Yes	B2. No
A1. Yes	Offense detected, punitive sanctions imposed.	Offense undetected or tolerated.
A2. No	Offense falsely alleged, punitive sanctions unjustly imposed.	No offense, no sanctions imposed.

Note that crimes are legal events falling in column B1, while law violations are individual acts falling in row A1. Although some violations are labeled as crimes, the fact that the two expressions are not coterminous is evidenced by the frequency with which offenses avoid the criminal label and by the number of instances in which the labeling occurs when there has been no law violation (these cases are found at the conjunction of A1-B2 and of A2-B1, respectively). Differential association attempts to identify the conditions that are conducive to law violations and to conformity (A1 and A2), leaving to other theories the task of explaining the labeling process and the workings of the criminal law (B1 and B2). Of course, a comprehensive theory of criminality would provide simultaneous explanations of all these phenomena,

but we are far from achieving this objective because our knowledge of the relevant causal processes is still inadequate.

Unlike some of its competitors which strive mainly for an intuitive understanding of the relationships between crime and its correlates, differential association is clearly intended as a causal theory. In general, causal theories assert probabilistic and sequential relationships between two sets of variables, which are often called independent and dependent, cause and effect, or antecedent and consequent variables. To demonstrate a causal relationship between one variable and another, three major criteria must ordinarily be met. First, it must be shown that there is some kind of systematic covariation between the two variables. If the first variable increases in magnitude, for example, the other must increase in an orderly fashion. Second, the causal variable must be temporally prior to the effect variable. Third, the relationship between the variables must not be a spurious one. That is, the covariation between them must be maintained when other theoretically significant variables are taken into account. Thus, the simplest casual theory is one asserting that variable A produces variable B which, in turn, produces variable C. Here the term "produces" refers to probabilistic and sequential relationships among the variables mentioned.

Differential association theory may be translated into similar causal language as follows: Given that there are conflicting behavioral definitions within a society, differential association will produce internalized definitions which, in turn, will produce behavior congruent with the internalized definitions even though it may be in violation of the law. Or the same ideas may be expressed in a more abstract formula,

$$DA \rightarrow \rightarrow \rightarrow ID \rightarrow \rightarrow \rightarrow CB,$$

Where DA=differential association,
ID=internalized definitions, and
CB=behavior that conforms to the internalized definitions.

Perhaps some feedback relationships among these variables should also be stipulated. For example, the definitions a person has internalized may exert some influence upon his social contacts ($ID \rightarrow \rightarrow DA$). Whether or not such feedback is asserted, however, the main paths of the relationships claimed by the theory are correctly represented in the formula.

Thus the formula indicates the theory's main variables, their claimed relationships, their temporal priorities, and at least one crucial test of spuriousness. Assuming that the previously mentioned problems of measurement can be handled, it renders the

theory testable by empirical means. To illustrate, disconfirmation of the theory would occur if it could be shown that people violate the law without having first internalized definitions supporting such violations; that their definitions determine their social contacts, as alleged in the "birds of a feather flock together" argument; or that law violations are not in accord with definitions previously encountered in the process of differential association. Even if we acknowledge the considerable difficulties involved in relating concepts such as DA and ID to concrete and observable events, such a degree of potential testability is not often found in social theories.

Despite the potential for testing, however, the fact remains that the theory's causal implications have not been systematically tested. Evidence cited in its support comes largely from case histories of criminal offenders and from offense records of individuals who belong to delinquent groups as compared with the records of nonmembers. Much of the evidence, of course, is consistent with the claims of several theories, and it is therefore an inadequate test of differential association. This underscores the need for longitudinal studies tracing variations in contacts, attitudes, and behavior, along with other related variables, through the careers of carefully selected cohorts of individuals.

Another issue clarified by the causal formula is that differential association is silent about the origins and dynamics of culture conflict. Conflicting social situations are taken for granted, and the theory proceeds to show how contrasting definitions may be internalized and related to individual behavior. The theory presumes that all individuals are conformists, though the norms to which they conform may vary from one group to another. It also implies that social groups are about equal in their ability to command the allegiance and the conformity of their members, depending upon the nature of the contacts between members and nonmembers. It is, therefore, social disorganization, and not the deviant behavior of individuals, that serves as a basis for criminality. In view of this emphasis, the failure of differential association to account for conflict and disorganization may be regarded as a serious omission.

In the theories examined thus far the main focus of research attention is on the individual offender and the peculiarities of his social experience. Deprivation theories assume that crime is one of the consequences of biological, psychological, or social deficiencies which may have their origins in heredity, human experience, or discriminatory social practices. Learning theories, by contrast, find the sources of criminality in distinctive S → R associations growing out of situations in which crime is for some reason reinforced and rewarded. Differential association, again, conceives of crime as

conformity to discrepant norms, a symptom of culture conflict, and a product of excessive encounters with criminalistic definitions. We turn next to some theories which have a much broader perspective.

Chapter Three: Modern Sociological Theories

Sociological theories tend to focus primarily upon the characteristics of social systems—the formation of conduct norms, the assessment of individual performances, and group sanctioning processes. Examples are found in congruence theories which see societal conflicts and normative contradictions as the main sources of criminal motivation.

Congruence Theory: Anomie and Stress

A few central ideas are fundamental to most congruence theories. Social systems are regarded as having priority over individuals in the sense that man is delivered at birth into an environment of families, communities, and other organizations which make his survival possible. Survival entails, among other things, the socialization of the individual. Socialization includes the learning of language, of belief systems, of laws and other codes of conduct, and of social practices endorsed by the group. In attempting to make appropriate adaptations to the environment, individuals experience varying degrees of stress and strain. This is especially the case if the group's norms are unclear, commonly circumvented, or contradictory. Stresses and strains, according to the theory, tend to alienate the individual from his group, to encourage innovative explorations on his part, and in extreme cases to justify deliberate nonconformity, including criminal behavior.

Although some leeway is customarily allowed, extreme departures from social conventions are nearly everywhere met with suspicion, ostracism, or more severe reprisals on the part of the group's members. Accordingly, the indicated path to crime control is for society to alleviate the normative discrepancies and social conflicts that are likely to occur, especially in complex social systems, and in this way to minimize the motivation towards criminality.

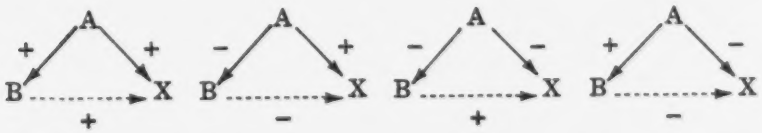
Balance. Many current conceptions of stress and strain can be traced back to early studies of the internal mechanisms utilized by a biological organism in maintaining systemic balance while making adaptations to environmental stimuli. The perception of an external event, for example, can initiate a chain of organismic reactions including changes in respiration, pulse, blood pressure, blood content and distribution, hormonal secretions and the like. Ordinarily, these changes enable the organism to make effective re-

sponses to environmental pressures. But if such changes within an organism are not controlled by the internal balancing mechanisms, the organism cannot function properly and death may be the result. To survive, the organism must adapt itself to changing external conditions while maintaining an appropriate internal balance.

Similar conceptions of balance have more recently been applied to cognitive phenomena. The essential argument is that people to whom we are attracted are perceived as thinking and feeling the way we do. Suppose, then, that A and B are close friends, and that A has a strong aversion towards criminal offenders. According to the principle of cognitive balance, A will therefore be inclined to assume that B has the same attitude regarding criminals. Conversely, if A dislikes B, he will then tend to see B as having a favorable view of law violators. The basic assumption is that people strive to maintain balanced cognitive systems or to produce balance in systems that are unbalanced.

Balanced systems are illustrated in the following diagrams, where A and B represent two persons and X represents some idea, event, person, or object about which A has a strong opinion. The plus and minus signs represent favorable or unfavorable attitudes of A towards B and X. The broken line at the bottom of each figure illustrates A's perception of B's attitude towards X.

Table 3.1 Balanced Cognitive Systems.



Note that A's cognitive system with respect to B and X is balanced if the product of the signs attached to the arrows is positive, that is, if all of the signs are positive or if only one is positive. The system is unbalanced if all of the signs are negative or if only one is negative.

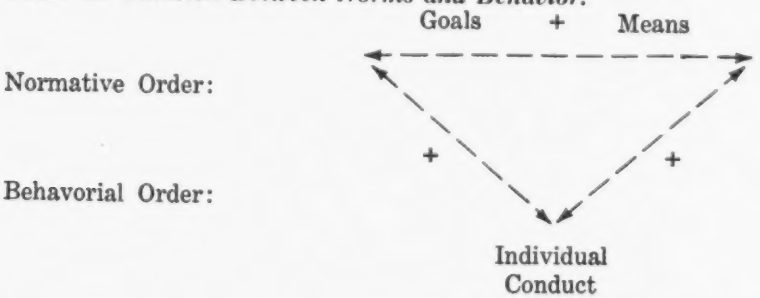
Some research supports the notion that changes in attitudes and other behaviors tend to occur in a manner that facilitates cognitive balance. To illustrate, consider the case of a parolee who dislikes his parole officer and is antagonistic towards parole rules and regulations. The theory holds that he will perceive his officer as being strongly in favor of parole. Now, suppose that the parolee observes his officer making critical remarks about the rules. This, of course, puts the parolee's cognitive system out of balance. He can restore balance in several ways: by developing a more favor-

able attitude towards the officer, by changing his own views of parole, or by managing to produce a change in the officer's attitude towards the rules. The evidence is that tentative moves are made in all of these directions and that a distinct shift in any one direction tends to result in a relatively stable cognitive state. Hence a good way to change a person's attitude, according to the theory, is to give him information that throws his cognitive system out of balance.

Similar arguments have been employed in the analysis of social systems. Congruence theories generally maintain that the survival of social units entails the development of some consensus regarding their goals and objectives plus the formulation of norms specifying how the objectives may be legitimately achieved. If the normative regulations provide realistic means for attaining the objectives and if the individuals who belong to the society conform to their prescribed roles, the system is balanced and capable of operating with considerable efficiency. However, the system is unbalanced and likely to disintegrate if there is conflict over its objectives, if its norms are incapable of attaining the goals, or if its members deviate from their normative requirements.

Thus the requirements of social order are as illustrated in the following paradigm.

Table 3.2 Relation Between Norms and Behavior.



Normative order implies consistency in a society's goals, congruence or lack of conflict among the alternative means for achieving the goals, and efficiency in goal attainment. To the extent that there are conflicts and contradictions among the means or the goals, or between the two, the normative system is disorganized. Behavioral order, when distinguished from normative order, implies that individuals endorse the society's goals and means of achievement, and that they conform their behavior to their normative requirements. To the extent that nonconformity occurs or goals and means are rejected, we have deviant behavior.

C1

Status Integration. Examples of sociological research based on congruence theory are found in some studies of suicide (Gibbs and Martin, 1964). In an attempt to explain variations in the suicide rates of several societies, the following theoretical propositions were formulated:

1. Suicide rates vary inversely with the number of stable and durable relationships among the members of a social group.
2. The number of stable and durable relationships varies directly with the amount of conformity to the group's norms.
3. The amount of conformity varies inversely with the amount of role conflict.
4. The amount of role conflict varies directly with the number of incompatible social positions.
5. The number of incompatible social positions varies inversely with the amount of status integration.

Although these propositions are intended to communicate empirically verifiable relationships among independently defined variables, they may be more appropriately interpreted as a series of overlapping definitions leading to the main contention of the theory: Suicide rates vary inversely with the amount of status integration in any given population. Thus the main argument can be conveniently reduced to an equation, such as

$$SR = f\frac{k}{SI}$$

where SR = Suicide rate (ordinarily the number of suicides per 100,000 population per year),
f = a mathematical function,
k = a mathematical constant,
SI = Status Integration, ordinarily the proportion of the population that possesses a specified set of status characteristics (age, sex, education, occupation, marital status, etc.) in common.

Since the basic variables—suicide rates and the amount of status integration—can easily be defined empirically, the major claims of the theory can be tested. Furthermore, many criticisms having to do with redundancy, and the tautological nature of some of the premises, can be avoided if the theory is expressed in this way.

This theory can be applied both to societies and to different segments of a given society. Societies characterized by a great amount of status integration are expected to have low suicide rates, while those with a low degree of integration should have high rates. Within any given society, suicide rates should be high among persons having an uncommon pattern of status characteristics. A

simple illustration using data on age, sex, and marital status shows how the theory works. Among males 60–64 years of age in the 1950 population of the United States, 79.3 percent were married, 9.6 percent widowed, 8.6 percent single, and 2.5 percent divorced. The corresponding annual suicide rates (1949–1951) were 36.2 for the married, 64.7 for the widowed, 76.4 for the single, and 111.1 for the divorced. These data are consistent with the theory's claims in showing a strong inverse relationship between suicide rates and the number of persons possessing the specified age, sex, and marital status characteristics. The theory assumes that the relative frequencies with which certain status configurations are occupied determines the degree to which people are attached to the means by which social goals are achieved.

Goals and Means. Another and perhaps more influential variant of congruence theory may be found in Robert Merton's well-known paradigm of deviant behavior (1957). Drawing from the earlier work of Durkheim, Merton argues that specific kinds of behavior may be produced by the conjunctions and disjunctions that occur between culturally defined goals and the institutionalized means that are prescribed for their achievement. If the means are capable of achieving the goals and if people endorse both means and goals, behavior tends to conform to the normative requirements. However, if the means are ineffectual or if either the means or the goals are rejected, deviant behavior is likely to occur. Moreover, the different patterns of rejection identify different modes of deviant behavior: Innovation refers to the attainment of goals by means other than those prescribed; ritualism indicates the preservation of institutionalized forms of behavior without regard for their consequences; retreatism involves the withdrawal of individuals from the established social order; rebellion entails the rejection of both goals and means and the substitution of alternatives. A moment's reflection will demonstrate that all of these forms of deviance can be interpreted in commonsense terms and that numerous examples of each can be found in everyday behavior. According to the theory, the variables that determine which of these modes is most likely to occur in any given situation are endorsements (+), rejections (−), and substitutions (±) of the cultural goals and social means. Patterns of determinants and resulting behaviors are listed on page 58.

Despite its heuristic value, it is obvious that this classification system is incomplete. Since both goals and means have three subcategories (endorsement, rejection, substitution), nine combinations are possible, only five of which appear in Merton's discussion. The four missing ones are + ±, − ±, ± +, and ± −, each of which involves a substitution for either goals or means. Merton gives no

Table 3.3 Merton's Paradigm.

Determinants		Resulting Behavior
Goals	Means	
+	+	Conformity
+	−	Innovation
−	+	Ritualism
−	−	Retreatism
±	±	Rebellion

reason for their omission. If the omission was deliberate, then apparently the substitution of both goals and means must occur simultaneously. But the supposition that the omission was unintentional has instigated a search for modes of behavior that can be appropriately associated with the missing combinations. The search thus far has not been any great success, however.

Perhaps a better procedure is to recast Merton's argument more explicitly within the framework of balance theory. Let us assume, therefore, that in nearly all societies some individuals can be found for whom there is a conjunction between goals and means, while for others a condition of disjunction prevails. Conjunction, of course, implies that the prescribed means are sufficient for the attainment of cultural goals, whereas disjunction indicates that the means are either inadequate or unavailable. Thus,

$$\text{Conjunction} = \text{Goals} \overset{+}{\underset{-}{\leftarrow\ \rightarrow}} \text{Means, and}$$

$$\text{Disjunction} = \text{Goals} \leftarrow\ \rightarrow \text{Means.}$$

We assume further that the prescribed goals and means may be either endorsed (+) or rejected (−) by different individuals, and that the behavior associated with any specific combination of endorsement and rejection depends in part upon the condition of conjunction or disjunction that maintains for an individual actor. For example, the endorsement of both goals and means indicates the probability of conforming behavior. Yet conformity can achieve the cultural goals only if there is a conjunction between goals and means, as is ordinarily assumed to be the case among members of the middle class. Where disjunction occurs, as is presumably the case among disadvantaged individuals and members of the lower classes, a person, even if he endorses both goals and means, is likely to fail in his attempt to achieve the desired objectives. Such failure may be due to lack of opportunity, insufficient finances and

lack of other needed resources, or deficiencies in specialized knowledge and technical skills. Confronted with the probability of failure, the actor's conformity is apt to be expressed in the form of deferential behavior, passive compliance, and dependency.

To assess the significance of social behavior, then, we need to consider the linkages between goals and means as well as the actor's performance. This is illustrated in the following models of the relevant elements of balance theory:

Table 3.4 Conformity versus Dependency.

Model of Conformity *Model of Dependency*

It will be remembered that another of the theory's contentions is that balanced systems tend to be rewarding and resistant to change, while unbalanced systems, by comparison, are often unpleasant and relatively transitory, leading to efforts aimed at the restoration of balance. If this is the case, then the conformity model is likely to be stable and durable, since it comprises a balanced system. By contrast, the persons involved in the unbalanced dependency model may be expected to seek balance by changing their position in the social structure, by changing their objectives or methods of achievement, or by changing the society's regulations so as to establish a conjunction between goals and means. Note that balance can be attained by changing any one of the signs in the dependency model.

A corollary of the above argument is that the passive compliance of dependent persons may be something of a threat to the society of which they are members. If dependency is an unstable condition, then the presence of large numbers of dependent persons may be a potential source of pressures for social reform. Recognizing this, most societies have created mechanisms for alleviating the symptoms of distress among their relatively unsuccessful conformists, including the encouragement of philanthropic endeavors, the development of public welfare programs, the provision of subsidies for farmers or other groups of workers, and the establishment of numerous occupations designed primarily for the preservation of social order, the maintenance of moral consensus, and the discouragement of deviant behavior.

Such occupations may be found mainly in the institutions of religion, education, welfare, and criminal justice. Although there may be abundant compensation in terms of prestige, power, and authority, the hourly wages of many ministers, teachers, social workers, police officers, and correctional officials are only slightly higher than those afforded unskilled laborers. It therefore may sometimes be difficult to determine if the occupants of these social positions are full participants in the established order or if they are more realistically regarded as marginal dependents. In any event, it is clear that some of our strongest social criticisms are coming from people whose work assignments have to do with the maintenance of order, and that there is recent evidence of important changes in the cognitive orientations of many of these workers. Both of these findings are in accord with the principles of balance.

Although dependency is a form of conforming behavior that may sometimes threaten the social order, deviance is commonly perceived as a far greater danger. Violations of normative codes are nearly everywhere met with official opposition. But it is equally true that contraventions of the norms are more frequently rewarded than punished. One of the virtues of congruence theories is that they help to clarify this apparent contradiction. They do so by showing that it is not the act of deviance, itself, but the way the act is perceived in relation to its social setting that determines society's reaction.

Technically, any act in violation of the group's prescriptions or proscriptions is a deviant act, whether it is received with approval or disapproval. It is likely to be approved and rewarded if it strengthens the conjunction between goals and means; if it weakens or appears to weaken this connection, its rejection is probable. Accordingly, much that is deviant is favorably regarded. Most social inventions, for example, involve deviance in the sense that they call for new and hitherto unrealized social objectives, new priorities among existing objectives, or new methods of achieving them. If an invention works to the advantage of the conformists, its incorporation into the group's normative structure is, in general, likely to occur. Otherwise, it is usually rejected.

Even criminal infractions are often condoned and protected if they reward the right people, as evidenced by studies of white collar crime and the transgressions of large corporations, political officials, solid citizens, and wealthy individuals. A fundamental fact of modern law enforcement is that the greater the profit from criminal behavior the less the probability of a punitive reaction. The most profitable of all criminal enterprises is organized crime, which falls largely outside the scope of law enforcement and al-

most always involves collusion between criminals and public officials. Where organized crime exists, it takes from nearly everyone and gives primarily to the rich or the powerful. By contrast, conventional crime—robbery, burglary, larceny and the like—takes mainly from poor people or those of modest means and gives to offenders who usually belong to the same categories, leaving little, if any, of the loot to be distributed among the more privileged classes. It is the latter variety of criminal behavior that attracts most of the attention of our public officials and judicial authorities.

Such a double standard of rule enforcement is by no means restricted to the field of crime. Different standards for members and nonmembers are frequently observed among the professions, athletic teams, labor unions, political parties and perhaps most other institutions and organizations. Sometimes the discrepant standards can be justified. In the case of medical practitioners, for example, special privileges and responsibilities may be defended on the basis that they serve the public interest. But this argument is hard to accept in the field of law enforcement, since, as already noted, the sophisticated violations of the more privileged group appear to be a greater threat to both life and property than are the inelegant offenses committed by our traditional lower class criminals. Thus, our crime control efforts seem to reflect a fundamental inequality in the values assigned to people and their possessions, depending upon the characteristics of the individuals in question, whether rich or poor, young or old, male or female, friends or strangers, insiders or outsiders, and white or black.

Congruence theories may help us to understand the dilemmas of unequal justice under laws that stress equality; force and violence in a society committed to freedom and peace, and poverty in the midst of abundance. To illustrate, Table 3.5 lists the balanced and unbalanced cognitive systems that may occur under different connections between goals and means, the relevant modes of individual behavior, and some typical forms of societal reaction. It therefore provides a scheme for classifying both deviance and conformity, and a device for predicting society's reaction to these forms of behavior.

In reading the Table, one should keep in mind the elementary assumptions of congruence theory:

1. Societies normally are fairly well integrated, so that a conjunction between goals and means ordinarily prevails. Thus, it is expected that more people will fall under Part A of the Table (items 1, 2, 3 and 4) than under Part B (items 5, 6, 7 and 8).

2. Through processes of learning and socialization, most individuals internalize the prescribed goals and means. The acquisition

Table 3.5 Some Implications of Congruence Theory. Balanced and Unbalanced Cognitive Systems. Behavioral Modalities, and Typical Societal Reactions.

Cognitive Elements		Modes of Behavior	Societal Reactions
Goals	Means		
		A. *Conjunction between Goals and Means* (Goals ← + → Means).	
I. Balanced States:			
1. +	+	Conformity. Works within system to achieve cultural goals by institutionalized means. Generally conservative behavior with limited risk-taking.	Reward and reinforcement.
2. −	−	Retreatism. Voluntarily withdraws from the established order to pursue specialized goals by uncommon but usually nonthreatening methods. Often found in total institutions (religious, military, etc.).	General toleration. Some support for total institutions, though this appears to be declining.
II. Unbalanced States:			
3. −	+	Ritualistic revisionism. Works within the establishment to enhance its integrity. Endorses conventional methods but proposes new priorities among goals, generally minimizing risk and favoring goals that can be most easily attained. Less common is advocacy of new and more difficult goals ,which entails high risk and the threat of failure.	High rewards if proposed revisions are accepted. Otherwise, efforts are made to resocialize or rehabilitate the deviant insider.

Table 3.5 Continued

	4.	+	−	Innovative revisionism. Works within the establishment to increase its efficiency. Endorses conventional goals but proposes new methods for achieving them. High risk-taking is common.	High rewards if proposed revisions are accepted. Otherwise, efforts are made to resocialize or rehabilitate the deviant insider.
B. *Disjunction between Goals and Means* (Goals ← − → Means).					
III. Balanced States:					
	5.	−	+	Reactive ritualism. Reacts against the established order, rejecting it or working for its reconstruction. Endorses traditional often outmoded, methods but advocates proscribed goals. Moderate risk-taking is common. Examples include vigilantism, racism, extreme patriotism and the like.	Stigmatization and banishment from some important activities. Regarded as an outsider, a moral deviant, and a corrupt influence on society.
	6.	+	−	Reactive innovation. Reacts against the establishment, rejecting it or working for its reconstruction. Endorses conventional goals but advocates proscribed methods for their attainment. High risk-taking is a way of life. Examples are street crime, "living by one's wits," and similar forms of antisocial conduct.	Punishment and ostracism. Regarded as a willful wrongdoer. Severe sanctions generally are believed necessary to protect the social order.

Table 3.5 Some Implications of Congruence Theory. Balanced and Unbalanced Cognitive Systems. Behavioral Modalities, and Typical Societal Reactions.—continued

Cognitive Elements			Modes of Behavior	Societal Reactions
	Goals	Means		
IV. Unbalanced States:				
7.	+	+	Dependency, passive compliance, willing subordination. Endorses prescribed goals and means without consideration of their utility. Often perceives low status as being due to fortuitous circumstances.	Toleration and philanthropic aid. Generally considered an inevitable burden. More often pitied than punished. Welfare measures are nearly universal.
8.	−	−	Anomie. Aimless, normless, alienated activity. Concentrated in urban areas segregated for homeless misfits, drunks, dope fiends, and other "freaks." In extreme cases tends towards nihilism.	Exclusion and isolation. Frequent denial of the existence of true anomie. Most severe cases are confined in hospitals and prisons.

of a social conscience, the development of sensitivity to the expectations of others, and the application of positive and negative sanctions by the group are also sources of pressure toward conformity. It therefore may be expected that most people are productive conformists (item 1), although some, for reasons of incompetence, deprivation, or bad fortune, are nonproductive conformists (item 7).

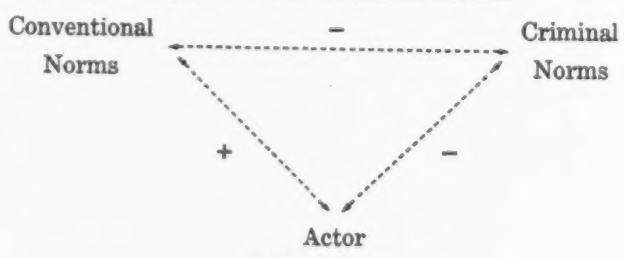
3. Deviant behavior is a product of strain or imbalance in an individual's cognitive system. The main sources of strain are disjunctions between goals and means (item 5, 6, 7 and 8), rejection of cultural goals (item 2, 3, 5 and 8), and rejection of institutionalized methods of goal achievement (items 2, 4, 6 and 8). Each of the possible combinations of cognitive elements is associated with a certain mode of behavior, whether conforming or deviant.

4. Society's reaction to various forms of deviance depends upon its assessment of their threat to the established order. Of the six kinds of deviance illustrated, three are targets of repressive measures (items 5, 6 and 8), while the remainder are largely tolerated and sometimes rewarded (items 2, 3 and 4). Note that the punitive reactions occur mainly against deviants who are regarded as outsiders—cases where there is a disjunction between goals and means.

Note also that Merton's types, with the exception of rebellion, fall into the balanced states in the Table (items 1, 2, 5 and 6), and that he failed to mention any of the unbalanced states. Such implicit use of balance principles is one of the reasons why we consider Merton's work as an illustration of congruence theory.

According to Merton, rebellion occurs when conventional goals and means are rejected and alternatives are substituted for them. This kind of deviant behavior may take place in a society having two or more sets of conflicting norms. For example, assume the existence of a subculture—or preferably a contraculture—that prescribes criminal behavior as mentioned in our previous discussion of differential association. The conflict between criminal and conventional norms may be portrayed, in terms of congruence theory, as follows:

Table 3.6 Conventional versus Criminal Norms.



Criminal norms are established in the same manner as the more conventional ones. People who experience severe strain in their social relationships may work with one another in an attempt to arrive at an acceptable solution to their adjustment problems. In this effort, they may make tentative and exploratory moves in new directions, compare ideas and attitudes ordinarily concealed from conformists and unyielding observers, experiment with various forms of deviance, and share the feedback they get from their diverse undertakings. If the feedback is encouraging, they may go on to evolve and to elaborate new codes of behavior which may be in conflict with conventional norms. The process of persuasion, by which each actor convinces himself as he reinforces the efforts of others, may produce a collective solution to mutual problems, a solution supported by deviant norms and perhaps a criminal subculture.

Where there is conflict between criminal and conventional norms, an actor, if he is to maintain a balanced cognitive state, must endorse one or the other, but not both. Conformists can be expected to endorse one set, criminals the other. Moreover, the rejection of norms in opposition to those one endorses tends to strengthen the balanced state. As in any game of conflict, it is not sufficient for a player merely to be supportive of his teammates; he must also adopt an aggressive posture towards the opposition. This may be one of the reasons why culture conflict so frequently leads to the escalation of animosities and culminates in the display of force and violence. And violence may be invoked by the good guys in the interest of law and order as well as the bad guys in support of their nefarious activities.

However, it would be naive to assume that crime and convention are always in conflict. There are many communities in which criminal and noncriminal activities are about equally effective in attaining goals such as wealth, power, influence and high status. White collar offenses, shady business practices, and organized crime, especially, are often regarded as expedient, if not fully legitimate, methods. Here the relation between criminal and noncriminal norms is essentially one of congruence, and the appropriate sign in the preceeding illustration must therefore be changed from minus to plus.

One of the consequences of this change in signs, according to the theory, is to make balance possible by either the endorsement or the rejection of both criminal and noncriminal norms. Where both are instrumental in the attainment of goals, the endorsement of one and rejection of the other is characteristic of an unbalanced state. It follows that criminal behavior, toleration of deviance, and various kinds of retreatist reactions against the social order

are likely to be observed with increasing frequency in communities that provide normative support for illegal behavior. Conversely, to lessen the amount of crime and retreatism, we need to increase the rewards for legitimate conduct and to reduce or eliminate the earnings of illegitimate enterprises.

Opportunity. The well-known theory of opportunity (Cloward and Ohlin, 1960) employs the above principles of congruence in explaining the behavior of delinquent gangs. Opportunity theory maintains that legitimate and illegitimate methods of achieving social objectives are differentially distributed among the various groups and classes of a society so that some young people have access primarily to legitimate means, others to illegitimate means, and still others to both methods of attaining their goals. Furthermore, the kind of gang that develops in any given neighborhood, it is assumed, will depend upon the relationship between legitimate and illegitimate norms, the accessibility of illegitimate opportunities, the existence of persons who are successful law violators, and the presence of sanctions that make deviance both practicable and rewarding.

Delinquent gangs are alleged to be of three major types: criminal, conflict, and retreatist. Criminal gangs emphasize regimentation, discipline, and rational activity aimed at gaining legitimate economic, political, and social rewards through illegitimate means. They tend to arise in neighborhoods where big-time criminals have established a symbiotic and mutually acceptable relationship with government authorities and police officials. Conflict gangs stress "bopping" and violence. Their domain is in areas where crime is relatively unsuccessful, where there is little prospect for the achievement of conventional objectives, where poverty and discrimination abound, and where patterns of accommodation have not been developed between the criminals and the authorities. Retreatist gangs are concerned mainly with drug use and other kinds of "kicks." Their members are recruited from the ranks of those who are unable or unwilling to ally themselves with either the exemplary or the criminal elements, and their world is oriented around a detached, "cool," "hip," and cynical style of life in which freedom to "do your own thing" and the cultivation of psychedelic experiences are highly valued.

Thus, opportunity theory posits a causal relationship between social structure and certain styles of gang behavior. Like many other systems of social explanation, the theory is stated in discursive and sometimes elliptical terms. Yet its main content can be reduced to two sets of propositions, one dealing with the connection between societies and collectives such as juvenile gangs, and the other concerning the linkages between individuals and

social collectives. The relationships between gangs and broader social structures are outlined in the following postulates:

1. While the endorsement of middle class objectives and values is nearly universal, there is considerable variation in the kinds of goals people try to achieve, depending largely upon the accessibility of educational, financial, and other resources. This suggests that conformists and criminals differ less in their definitions of what is desirable than in their conceptions of what is attainable and by what means (Jessor, *et al.*, 1968; Elliott, 1962).

2. In nearly every community there are legitimate means for achieving conventional objectives. However, access to these means of achievement varies from one class or group to another, and the lower classes are consistently disadvantaged in this regard. Moreover, the perception of such disadvantage, whether accurate or not, has the same behavioral consequences as actual disadvantage. The person who anticipates failure may frequently set into motion a series of actions and reactions that serves as a sort of self-fulfilling prophecy.

3. In addition to the legitimate system in any given community, there may also be an illegitimate system involving crime, graft, corruption, and the like. Where such an illegitimate system occurs, it may have a congruent relation with the legitimate system in regard to the attainment of conventional goals, or the two systems may have an incongruent relationship. Congruence implies that both the legitimate and the illegitimate system can lead to success and achievement, giving the individual a realistic choice. An incongruent relationship, however, indicates that crime is not a road to achievement. In this instance crime serves primarily as an act of rebellion rather than a means to success.

4. Balance principles apply to gang behavior. For example, if the legitimate and illegitimate systems have a congruent relationship, gang members may maintain a balanced cognitive state by either endorsing or rejecting both systems. The endorsement of both systems is characteristic of criminal gangs which provide a training ground for youthful entrepreneurs who will eventually assume occupational roles in the field of adult criminality, while the rejection of both is characteristic of retreatist gangs whose members withdraw from society, use drugs, or participate in other expressions of alienation.

Conflict gangs, by contrast, are found in communities where the legitimate and illegitimate systems have an incongruent relationship. In this kind of setting, the gangs whose members endorse the illegitimate system may be expected to engage in undisciplined violence, "bopping," street warfare, vandalism and other forms

of rebellion against the establishment. Gangs that endorse the legitimate system will presumably be involved in antagonistic demonstrations against "freaks," "queers," "bums" and other kinds of bad guys. It can be seen that, according to the theory, one's definition of bad guys depends upon the kind of group to which he belongs, and this, in turn, is determined by the social structure of the community and the affective attachments of its members.

The above postulates enable us to identify three basic kinds of community structure and four typical modes of gang behavior. Communities that have only a legitimate structure should be free of organized gangs; those having congruent or integrated legitimate and illegitimate systems should be populated by criminal and retreatist gangs; while those having incongruent or unintegrated systems should be characterized by various kinds of conflict gangs. The theory, in sum, predicts whether or not gangs are likely to occur and also the types of gangs to be expected. These predictions are listed in Table 3.7.

Opportunity theory also tries to predict the kinds of youths who are most likely to join in gang activities, whatever the type of gang. In doing so, it offers postulates such as those below:

5. Susceptibility to involvement in delinquent gangs is greatest among young people who blame society rather than themselves for their problems, who doubt that conformity to legitimate norms is likely to bring them success, and who endorse the illegitimate system.

6. Lack of faith in the legitimate norms has two main sources. First, people who are sensitive to the discrepancies between the usual normative requirements for success (ability, hard work, initiative, etc.) and the practical requirements (luck, right contacts, cleverness, etc.) are likely to reject the legitimate system, especially if they feel that the practical requirements are far more important than the normative ones. Second, people who have visible characteristics that are likely to arouse discriminatory reactions on the part of other individuals are prone to question the legitimate system. Hence, membership in racial or ethnic minorities, residence in slum areas, affiliation with groups that are targets of social repression, and language difficulties or other behavioral peculiarities may be sources of attitudes that encourage involvement in delinquent gangs and deviant activities.

7. Persons who are alienated from the legitimate system are not likely to feel guilty about joining delinquent gangs or other dissentient groups. Lack of guilt feelings makes it easier for a person to internalize the norms of the gang and to participate as a loyal member of a delinquent subculture.

Table 3.7 Illegitimate Opportunity and Delinquent Gangs: Classification of Deviant Behavior.

Legitimate system always present		
Illegitimate system		
Absent	Present	
	Systems integrated	Systems not integrated
Type I Community	Type II Community	Type III Community
A. No organized gangs.	B. Criminal gangs serving as apprenticeship training for adult careers in crime.	D. Conflict gangs engaging in violence against the establishment.
	C. Retreatist gangs for alienated individuals.	E. Conflict gangs involved in repression of misfits and deviants.

These three postulates enable researchers to formulate a large number of hypotheses connecting deviant behavior with racial, religious, educational, occupational, residential and other social variables that mediate access to legitimate and illegitimate opportunity systems. In this way opportunity theory makes society a partner in the causation of deviance, and it also suggests the development of prevention programs aimed at improving the treatment accorded minority groups and other disadvantaged sectors of the population. Several programs based on the theory have recently been instituted in American cities. However, much of this effort has been diverted from its initial aims for reasons of political expediency, and studies of its effectiveness are therefore unable to produce conclusive evidence concerning the theory's merits in the realm of public policy (Marris and Rein, 1967).

There also is evidence that opportunity theory has some deficiencies in other respects (Klein, 1967; Spergel, 1964). For example, communities with high delinquency rates are frequently characterized by a diversity of gang organizations instead of the dominance of any single type. Again, many gangs simply do not exhibit the degree of cultural consistency suggested by the theory. They often adopt distinctive titles, special emblems, items of apparel, and other symbols of identity long before they have attained a stabilized membership or any high degree of organizational autonomy. Fluid membership, spatial mobility, and considerable versatility with respect to objectives or activities are frequently observed among delinquent gangs. In addition, gang members seem to be much like nonmembers in their endorsement of conventional goals and values, though they differ in their aspirations and their anticipation of success. Many members of delinquent gangs betray feelings of guilt and attachments to conventional norms. On each of these points, the empirical findings, although they are by no means conclusive, throw some doubt on the validity of certain aspects of opportunity theory, especially as it was initially stated by Cloward and Ohlin.

Theory of Deviant Subcultures

Most of our theories of delinquent and criminal subcultures were formulated in the 1950's in connection with the study of juvenile gangs, and some of the most important studies were completed many years earlier by Thrasher, Shaw and McKay, and others. The main argument of these theories is that the goals and the achievement strategies of the lower classes, or of certain subcultures within these classes, are significantly different from those of the middle classes; that each of the social classes has its own cultural traditions, style of life, focal issues and concerns; and

that conformity to the lower class style of life makes almost inevitable the violation of middle class standards.

Lower Class Concerns. One of the major formulations of subculture theory (Miller, 1958) contends that delinquency is the normal product of goals and means that are prescribed by, and indigenous to, members of the lower classes. Conflicts between the middle and lower classes are considered irrelevant, since most of the lower class youngsters have little interest in either the goals or the methods of the middle class. Miller argues that people at the bottom of the social hierarchy—migrants from rural to urban areas, blacks living in ghettos, American Indians—are inured to the cultural and economic deprivations they have to endure, and that they have little expectation of reforming society or bettering their position in it. In order to gain a sense of personal worth and satisfaction, therefore, they need to build their culture around values that can be more readily sustained than those of the middle class. The result is a distinctive pattern of goals and practices, one that can be endorsed by deprived people despite the nearly universal opposition of the rest of the community.

One aspect of this pattern is the female-centered household, in which the family's sustenance and stability are provided mainly by its female members. Women manage the home, hold outside jobs for economic support, discipline the children, and cater to their needs. Divorce and desertion are common in what has been described as a system of sequential monogamy. Unlike the publicized Hollywood version of this practice, however, alimony and provisions for child-support are rare or inconsequential in the lower class marital cycle.

Anxieties about their masculine identification are allegedly common among boys growing up in such a family setting. Interest in demonstrating their masculinity encourages the boys to join street gangs which attach great significance to traits such as toughness, smartness, trouble, excitement, fate and autonomy. These are, according to Miller, the focal concerns of lower class society. Here toughness means being a "real man," a "stand-up guy," having "heart," and otherwise exhibiting bravery in adversity; smartness designates means for coping with adversity, such as "living by one's wits" and "hustling the broads" (pimping); trouble indicates situations to be avoided, especially contacts with the police or other agents of authority; excitement denotes "kicks," "shooting dope," or doing anything that disrupts the humdrum routine of everyday life; fate and "luck" are concepts used in explaining any misfortune over which one has little control; while autonomy signifies a demand for personal control in

certain activities and a determined resistance against anyone's intrusion into the affairs of another person.

These focal concerns are presumed to be indigenous to the lower classes and an integral part of folk knowledge and belief in the slums. To the extent that such concerns are endorsed and legitimated, they can serve as prescriptions for deviant behavior and as aphorisms to be used by individuals in explaining the problems and privations, the successes and especially the failures, of everyday life. They symbolize the issues that tend to unite disadvantaged people in our urban areas and to separate them from their more affluent neighbors. And the isolation that is commonly imposed upon members of the lower classes is regarded as an important factor in the development of a criminal subculture.

Miller's work is a detailed ethnography of lower class culture, attempting to document life as it is experienced by the inhabitants of our city slums. Instead of giving interpretations from a middle class point of view, a practice common in research on deviance, it reports the cognitive and affective orientations of the residents themselves. The result is a fresh perspective which indicates that many lower class offenders have little interest in middle class manners or middle class definitions of economic, social, and political success. Lower class ambitions are often aimed in another direction, involving such personal goals as excitement, enjoyment, freedom, and leisure. Reconciled to a world of dull, intermittent, and unrewarding employment, these people may seek their pleasures in expressive activities and in the consumption of goods and services. It therefore should not be surprising if the earnings from illicit activities (gambling, drug traffic, numbers and other rackets, graft, prostitution, loan sharking and the like) along with welfare assistance are the chief sources of financial support in some of the slums of our large cities.

There is little doubt that communities can be found which manifest the symptoms of a criminal subculture as Miller described them. But there is some question about the generality of his findings, which seem more characteristic of ghetto dwellers, especially Negroes, who have suffered under a tradition of cultural oppression than of some other ethnic groups that have settled in similar areas. In addition, some critics cite the absence of information, in Miller's data, regarding different types or modalities of deviant behavior, while others contend that, contrary to the implications of the subculture concept, most slum residents conform to middle class norms most of the time. Perhaps the most serious criticism, however, deals with the dubious independence of theoretical concepts, such as "focal concerns," and the behaviors these concepts are intended to explain. Thus, if "focal concerns" is merely another

way of saying "lower class behaviors," then the import of Miller's material is more descriptive than theoretical, and its role in the explanation of crime is severely limited.

Rejections of Middle Class Norms. Another major theoretical statement on delinquent subcultures is that of Albert Cohen (1955). Cohen's theory differs from Miller's primarily in its emphasis upon the problems of status and self-respect that lower class boys need to resolve while confronted by the omnipresent judgments of others who employ middle class standards of conduct. Contrary to Miller's notion that the lower class evolve their own standards of judgment, Cohen maintains that people are everywhere evaluated in institutional settings—in school, on the job, under the law, and so on—that are largely dominated by representatives of the middle class. This means that everyone is rated, without regard to his social or ethnic background, in terms of traditional criteria, such as intelligence and verbal skill, ambition, sense of responsibility, ability to delay gratification in the interest of long-run goals, neatness and cleanliness, common courtesy, and rational control over physical impulses or aggressive tendencies. These traits are commonly interpreted as hallmarks of the middle class way of life, the measuring rod to be used in ascertaining a person's worth.

People, of course, are given other evaluations, both formal and informal, in a variety of situations. The most important for teenagers and young adults, however, may be the authoritative judgments made by their superiors under the auspices of our major social institutions. Institutional judgments are part of an official record and are often certified for public use by means of diplomas, degrees, honors, awards, grants, promotions, performance ratings, credit ratings, police blotters, court reports, and other kinds of documents. Such records and documents may be consulted when a person seeks to improve his education, enter a profession or another occupation, join a social organization, get married, purchase a home, make a legal contract or change his status in any other significant manner.

Moreover, the ratings are reviewed, revised, magnified, or deprecated by the periodic updating of records and by the informal exchanges of information that commonly occur among the leaders of institutions, who frequently are also the pillars and the decision-makers of the community. From this we may conclude that a person's status and esteem in the community are largely determined by the judgments of his elders, which judgments reflect the traditional values of American society and are therefore regarded as binding on the middle class and on "respectable" members of the lower classes as well.

The image of society projected by the middle class credo is that people of diverse origins and backgrounds compete for status and self-respect under rules that are both clearly enunciated and fairly enforced. All are judged by universal standards, all are equal before the law, and achievement is limited only by one's ability, ambition, and energy. However, the adequacy of this image is frequently challenged because of discrepancies in the way the prescribed criteria are actually employed in judging people's worth.

First, the criteria often work to the advantage of a chosen few. Pecuniary interests, for example, have ascended to the point where people with abundant financial resources seem capable of purchasing the status and other rewards that the less affluent have to earn by hard effort; wealth is transmitted from one generation to another in a way that makes fortunes attained the best predictors of fortunes to be gained; money is highly valued regardless of the manner in which it is acquired, making social rewards readily available to financially successful rule-breakers; the high cost of political campaigning, among other things, tends to orient governmental services towards the desires of the affluent, since elective officials need to rely upon either their personal fortunes or vast contributions from their constituents in order to gain access to the most influential positions; the rise of regional, national, and even international organizations has restricted the autonomy of local institutions and lessened their influence in the ascription of statuses, so that many prominent citizens are more interested in their national ratings than in local ones; and associated with the declining power of local institutions or unorganized individuals is the growth of a vast network of agencies involved in image-making and consultation. Lobbies and conglomerate organizations that protect the interests of political and economic leaders by concealing the complex machinery of governmental decision-making from public view. These are a few illustrations of how the elite have circumvented some of the performance criteria prescribed for middle class America.

Second, the criteria may be applied in a discriminatory manner against members of the lower classes. For example, many children of normal aptitude have several strikes against them when they compete for success in schools and other middle class institutions that are mainly responsible for evaluating their capabilities. Although they may be able and eager to learn, they often lack the appropriate manners, aspirations, expectation, and self-conceptions, and their early training in "culturally disadvantaged" homes simply does not prepare them for academic activities, regimentation, and institutional routines.

However, disadvantaged children face an added handicap if

their teachers and other institutional officials discriminate against them and fail to understand them. Understanding and equal treatment are difficult, especially for institutional workers having middle class values, middle class language, and middle class stereotypes alleging the inferiority of the lower classes. Even the youngster's identifying characteristics—his family status, place of residence, skin color, ethnic affiliation, and the language and habits he acquires in early socialization—are sometimes perceived as symbols of weakness and immorality.

Under such circumstances, the child may come to the view that in order to gain acceptance in middle class institutions he must show disdain for his way of life and, in effect, renounce his social heritage. His disassociation from family and peer groups is impractical, however, since he depends upon them for physical sustenance and social support. He therefore may face a dilemma involving a choice between two evils: subscribing to middle class ways at the risk of being rejected by family and friends, or endorsing his group's traditions and abandoning hope for success in the middle class world. Neither horn of this dilemma is likely to receive full support in his early decisions.

Normative conflicts, such as those mentioned, may have important personal and social consequences. Divided loyalties tend to be associated with lack of commitment, poor discipline, low motivation, sense of alienation, and failure in institutional settings. Early failures build up cumulatively as the unsuccessful individual is progressively shunned and rejected by his fellows, his teachers and other superiors, his institutions, and by middle class society as a whole. The vicious cycle of defeat-rejection-defeat threatens his feelings of competence and esteem. Damage to the self-image is no doubt a common result. While the symptoms of repeated defeat—inadequate performance, lack of ambition, low status, etc.—are often considered to be characteristics of personality, they would better be viewed as reflections of cultural deprivations and discriminatory practices beyond the control of the individual. The fact is that many lower class children are caught up in a game with the deck stacked against them, so that winners and losers can frequently be identified before the first card is played. They are, in other words, programmed for failure.

The dismal prospects for the future, especially as perceived by many of the younger representatives of the lower classes, are consistent with a considerable amount of empirical information. In 1964 before the rapid upswing of inflation, the income of the families of college graduates in the United States was nearly $11,000 annually, about $4,000 higher than the national average. Income was $3,100 lower, on the average, for nonwhite families,

and it was estimated that one out of every seven white Americans and one out of every two nonwhite Americans had a "poverty level" of income, 34.6 million residents in all. One out of five families had an income under $3,000.

Similar disparities were revealed by the findings on education and employment. Among persons 25 to 34 years of age, for example, 70 percent of the whites were high school graduates, but only 42 percent of the blacks. Yet the main increases in employment are among professional and technical workers, managers, and public officials, all occupations that are nearly inaccessible to untrained workers. Unskilled labor, by contrast, has shown a steadily declining rate of employment, and the problems of unskilled workers are likely to be further complicated by trends which make college training almost a necessity for increasing numbers of job-seekers.

Another complication is the rapid growth in the size of the population. If the current rate of growth continues, the population of the United States could reach about 350,000,000 within the next generation. In addition, the relatively disadvantaged nonwhite population is increasing at a rate more than 50 percent greater than the rate of growth of the white population, and the American Indian has a fertility rate nearly twice that of the whites.

These data underscore the importance of the adjustment problems of the lower classes, especially the blacks and other minorities. Facing the double handicap of deprived backgrounds and discriminatory practices, these people may be singularly interested in examining the options available to them (Table 3.5). One option, of course, is to bear the cost of acquiring the skills and attitudes necessary for success in middle class institutions, a tactic employed by many of the upwardly mobile. But the child of a poverty-stricken home may "lose" ten or fifteen years before he learns the significance of the middle class success pattern, and by then he may have doubts that he can ever catch up with his more affluent and previously committed competitors.

Another option is to work toward renovating the social order. For many of the disadvantaged, however, this is contraindicated by their lack of funds and other resources, their difficulty in establishing effective relations with influential individuals and with middle class power structures, and their failure to see any convincing evidence that discriminatory policies can in fact be overcome. Renovation is therefore more typical of middle class deviants.

A more likely alternative, according to Cohen's theory, is withdrawal from status-seeking endeavors governed by middle class

rules, and the development of new rules and new games that are more in line with lower class capabilities. People sharing similar problems may engage in the mutual investigation of various escape strategies, leading eventually to the formation of new criteria for measuring status. These criteria may permit or even demand violations of the middle class norms. Some examples are "hustling," "hanging on the corner," and drug use, although these, of course, are by no means restricted to the lower classes.

Escape is only a partial solution to problems of adjustment, particularly for members of the lower classes. It leads to an unbalanced cognitive state, an anomic condition, a detachment from social affairs. The unequivocal endorsement of any specific behavior pattern is rare among escapists.

Moreover, if neutrality in the face of contradictory normative systems is a difficult posture to maintain, the lower class deviants can resolve their ambivalence by rejecting the middle class norms and adopting the unconventional ones. The opposite reaction—endorsing the conventional norms and rejecting the others—is not so likely to occur where the conventional norms offer poor prospects for goal attainment.

When lower class deviants reject the dominant value system, they are inclined to do so with a vengeance. They deny its legitimacy, turn it upside down, and proclaim values diametrically opposed to it. Accordingly, the delinquent subculture—or the parent culture, as Cohen labels it—prescribes behavior that is hedonistic, nonutilitarian, malicious, and negativistic. Such a parent subculture is best exemplified by the delinquent gangs commonly found among lower class boys. Here the emphasis is on short-term goals and immediate gratification, stealing for fun rather than profit, destructiveness, and "raising hell" in general. In these ways the boys demonstrate to others, and to themselves as well, their complete repudiation of the middle class way of life. Cohen uses the term "reaction-formation" in describing this process.

Various offshoots of the parent subculture may also emerge, such as conflict, addict, and criminal gangs, for example (Cohen and Short, 1958). However, several conditions are essential for the emergence of such subcultural forms: a social system in which certain categories of individuals are unable to attain their objectives by conventional means; these individuals must share similar problems of adjustment; and they must engage in effective interaction with one another leading to the formation of dissentient norms by which they can solve their status problems and gain a measure of self-respect. Deviant subcultures, then, are collective solutions to common problems of adjustment—solutions based on values, norms, and behaviors which have become traditional and

are ratified by consensual relations among the members of a certain disadvantaged groups.

Cohen's theory has been assailed by critics on several counts. It applies to a relatively small number of "cultural islands" in which aberrant norms have become dominant; it focuses on gangs in disadvantaged areas and has little to say about the vast domain of middle class delinquency; it fails to corroborate or even to define empirically the concept of subcultures; it fails to substantiate the process of reaction formation; and it discounts the utilitarian aspects (for example, attention-getting and material rewards) of boisterous and rebellious behavior. In constructing an "ideal type" of gang delinquency, Cohen depends more on imaginative argumentation than on systematic observation or hard facts.

Yet the critics are by no means in agreement. Some contend that gang members are committed to middle class values and norms, that their rule violations are accompanied by guilt feelings, and that they devise rationalizations to alleviate their sense of guilt (Sykes and Matza, 1957), while others maintain that lower class delinquents have little interest in middle class status or in other conventional symbols of success and propriety (Kitsuse and Dietrick, 1959; Downes, 1960). The research findings, as already mentioned, provide some support for both of these views as well as that of Cohen. For example, there is much evidence that the social classes agree in assigning high values to material success, occupational achievement, college training, and other indicators of the good life, and that they also agree in reporting negative attitudes toward poverty, manual labor, law violations, and many other forms of misconduct and dependency. At the same time, there are important class differences in perspectives, aspirations, expectations, and behavior patterns. The successes and achievements that middle class boys come to anticipate in the ordinary course of events are often regarded as unattainable ideals when viewed from a lower class perspective. These findings suggest that lower class dissent is not directed against the traditional ideals of American society so much as against the social system which renders these ideals devoid of content and practical significance.

In Cohen's view, rejection of the middle class way of life is the culmination of a process having its origins in an indivdual's failure to meet the conventional criteria of success. Institutions commonly respond to such failure by stigmatizing and ostracizing their offending members, and the offending individuals tend to react by rejecting their rejectors and becoming progressively alienated. If these mutually antagonistic transactions proceed far enough, the deviant individuals may join forces with one another in developing a counteractive subculture. Rebellion against middle class norms

then becomes essential to the maintenance of the subculture. No doubt many delinquents, predelinquents, and even nondelinquent individuals are found in various stages or phases of this developmental process.

In sum, Cohen's version of subculture theory elucidates the sequential transactions that occur between deviant individuals and their social institutions, and it explores the mechanisms involved in the formation of counteractive subcultures, such as those found in complex urban societies. It enriches the concept of differential association, provides much of the groundwork for opportunity theory, and stimulates interest in the idea that societal reactions against deviance may sometimes encourage deviant behavior, a basic premise of what are known as labeling theories. These are some of the reasons why Cohen's theory is generally regarded as an important contribution to our understanding of crime and delinquency.

Chapter Four: Towards the Integration of Criminological Theories

The above theories attest to the complexity and diversity of causal processes in the field of crime. They reveal no single aspect of the environment, or physical characteristic, or personality trait, or social situation, or any other observable entity that invariably produces a criminal response. Nor do they claim that crime is completely determined by any known set or combination of these variables. On the contrary, modern theories assume only probabilistic, not deterministic, relationships, and they deal with constellations of causal variables that are more or less intimately associated with certain patterns of deviant behavior. They also concede that behavior, whether deviant or not, is likely to have some feedback effects which may modify the physical and social milieu. Where such feedback occurs, the variables exerting pressure upon an individual after he committed a deviant act may be significantly different from those that stimulated the act in the first place. This, of course, makes it difficult to discern sequences between causes and effects.

Moreover, constellations of variables and feedback effects may vary from one offense or situation to another. Cohen, for example, argues that middle class institutions encourage delinquency by rejecting disadvantaged children. Yet rejection may occur because the child fails to perform adequately or it may be due to discriminatory practices and stereotyped attitudes that have no necessary connection with the child's performance. Likewise, Cloward and Ohlin employ different combinations of variables in predicting gang activities or in designating potential gang members, and they present several alternatives in explaining these phenomena. Again, Staats and other advocates of learning theory, in accounting for deviant behavior by identifying the stimuli associated with it, find that stimulus effects may vary in time and place, positive stimuli may become negative ones, or the stimuli may lose their effect through the process of extinction. Sutherland, too, offers explanatory alternatives by assuming the existence of procriminal definitions, making differential association a universal process, and allowing the frequency, priority, duration, and intensity of criminal contacts to interact in an unspecified manner. Indeed most of our theories agree in assuming that several sets of causal conditions may lead to the same kind of offense and that

several different kinds of offenses may issue from a single set of conditions. In this way they provide a multiplicity of explanations for criminal behavior.

However, it is not the lack of plausible explanations but the lack of their testability that confuses research. By accumulating a sufficient inventory of explanatory propositions, any theory can give ostensible explanations for all conceivable behaviors, whether criminal or law-abiding, common or rare. But such virtuosity may be less of an asset than a liability, since it encourages tautological arguments that immunize the theory against empirical test or disconfirmation. Unless a theory clearly rules out certain events that could conceivably occur, it can be neither disproved nor corroborated by observation and evidence. If it accounts for everything it verifies nothing, and this is why theories are judged more by the evidence against them than by the evidence for them.

Testability, however, is only one of the criteria employed in assessing theories. Comprehensiveness, among others, is equally important. And the difficulties encountered in constructing comprehensive theories are not surprising if we consider the complexity of the crime problem. Crime itself is a multidimensional concept involving at least four separate and distinct phenomena: statutory definitions of criminality, violations of the statutes, detection of the violations, and societal reactions to the violations detected. While the theories mentioned above deal primarily with law violations, it is obvious that a comprehensive theory must also explain variations in legislative enactments and in enforcement procedures.

Several recent attempts to achieve greater comprehensiveness should be mentioned. Some of these focus on the control problems faced by human organizations, including the problem of social disorganization, the dissention produced by conflicts among the agents of authority, and the irresponsible conduct that is bound to occur when people are linked together by tenuous bonds. Others view crime—criminalization is a better term for their purposes—mainly as a process of status ascription by which the more powerful and affluent members of a society maintain their dominance over the weaker ones. Still others seek to catalogue and to classify the variables that are known to be associated with criminal behavior and crime control. Each of these theories has certain advantages over the others, depending upon their use and the problems to which they are applied.

Containment Theory

A catalogue of variables related to crime and corrections is presented in containment theory (Reckless, 1967). This theory as-

sumes that the variables can be classified into four major sets or categories, which are labeled environmental "pressures" and "pulls," organic and psychological "pushes," "inner" containment, and "outer" containment. These four categories can be further classified in two dimensions: criminality-conformity and internal-external. "Pressures," "pulls," and "pushes," for example, are criminogenic variables, whereas "inner" and "outer" containment tend to inhibit nonconformity. At the same time, "pressures," "pulls," and "outer" containment are external to the behaving organism, while "pushes" and "inner" containment are internal influences. Thus the theory can subsume a great number of variables under five key concepts that are organized in two dimensions. Individual behavior, whether deviant or conforming, is considered to be a product of the interaction that occurs among these variables.

Most of the time criminalistic influences are effectively counteracted by inner and outer containment. Inner containment refers to self control and the ability to direct one's conduct in accord with cultural norms and values. It is argued that self control implies a healthy self concept, a positive orientation towards socially approved goals, high tolerance for frustration, and firm commitment to legitimate norms, rules, and values. To the extent that these characteristics are for some reason lacking, there is a weakening of inner controls, and deviance is more probable. Reckless and his colleagues have published a number of studies suggesting that these traits are fairly efficient in differentiating between delinquent and nondelinquent grammar school boys.

Outer containment designates the normative constraints and sanctions by which societies and other social groups ordinarily control their members. Most important of these, according to the theory, are the group's presentation of a clear and consistent moral perspective to its members; the establishment of meaningful roles and activities in the fields of employment, education, recreation, and other lines of endeavor; the reinforcement of cultural norms, goals, and expectations by an appropriate allocation of rewards and penalties; the maintenance of devices for effective supervision and discipline; and the provision of opportunities for individuals to gain acceptance, self respect, and group identification. In well contained societies people are confronted by group consensus regarding norms and expectations, depending upon an individual's age, sex, and social position. When coordinated with some degree of inner containment, this serves as a powerful buffer against criminogenic pressures, pulls, and pushes that are nearly everywhere apparent.

External pressures towards criminality involve adverse living

conditions and other symptoms of deprivation, such as poverty, unemployment, group conflicts, minority status, and lack of opportunity. Pulls, by contrast, are represented by deviant companions, membership in criminal subcultures or other deviant groups, certain influences of the mass media, pornography, and the like. These external influences may be aided and abetted by a variety of internal pushes—psychological defects, inner tensions, hostility, discontent, need for immediate gratification, rebellion against authority, guilt feelings, feelings of inferiority, organic impairments, anxieties, neuroses, and psychoses. If an individual is psychotic or otherwise incapable of controlling himself, or if he belongs to an organized group which practices crime as a way of life, his containment by either inner or outer controls is improbable, and deviant behavior is nearly inevitable. For these reasons containment theory is not appropriately applied in cases involving extreme personal defects or extreme pressures and pulls towards delinquent behavior.

Containment theory, as indicated in Table 4.1, accounts for both criminal and noncriminal behavior by incorporating many of the concepts and variables employed in earlier theoretical formulations. It provides a heuristic framework that unifies the sociological and psychological approaches, rejects the notion of a monolithic culture by portraying behavior on a battlefield of contradictory forces, and reveals how inadequate outer containment may lead to the erosion of social norms which inevitably limits the effectiveness of inner containment. All of this, of course, denies the feasibility of programs aimed mainly at rehabilitating the offender, and it also challenges the wisdom of reformers who would prevent crime by methods of community reorganization. In stressing the deficiency of narrow approaches, containment theory furnishes a powerful argument against the piecemeal efforts at crime control that are so prevalent in contemporary society.

However, the defects of the theory are even more obvious than its virtues. One problem is that of testability, already mentioned as the scourge of numerous theories. If a theory should be reducible to a series of interconnected propositions from which researchable hypotheses can be derived, we find that testable statements are indeed scarce in Reckless' formulation. Most of these are given in his general and abstract "prediction model," which maintains that crime rates are at a maximum where both inner and outer containment are weak, and at a minimum where the containments are strong. In cases where one is weak and the other strong, Reckless holds that weak inner containment has a higher probability of criminality than weak outer containment. Even these statements, to be tested, require a formula enabling us to compare the

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Table 4.1 Containment Theory: A Catalogue of Criminogenic Influences and Constraints.

Direction of Influences	Locus of Influences: Internal	External	
	Pushes	*Pressures*	*Pulls*
Criminogenic Influences	Restlessness, discontent Inner tensions Hostility, aggression Immediate gratification Suggestibility Rebellion Feeling of inferiority Guilt feeling Mental conflict Anxieties Compulsions, phobias Organic impairment Psychoses	Relative deprivation Poverty Unemployment Insecurity Group conflict Minority status Limited opportunity Inequalities	Prestigious offenders Deviant companions Criminal subculture Deviant groups Mass media Propaganda
	Inner Containment	*Outer Containment*	
Constraints against Crime	Self control Self concept Goal orientation Aspiration level Normative commitment	Consistent moral front Reasonable expectations Reinforcement of norms, goals, values Effective supervision, discipline Opportunity for acceptance, identity, belonging	

Table 4.1 Containment Theory: A Catalogue of Criminogenic Influenses and Constraints—Continued

Direction of Influences	Locus of Influences: Internal	Locus of Influences: External
	Frustration tolerance	Meaningful social roles
	Internalized models	Supportive relationships
	Tension reduction	
	Sense of responsibility	
	Resistance to diversions	
	Substitute satisfactions	

relative strength of inner and outer containment. Such a formula is not yet available. Moreover, few of the variables subsumed under containment have been measured.

Another problem has to do with the definition of concepts. Substantive concepts, in general, refer either directly or indirectly to phenomena that are empirically related, and they are expressly designed to help reveal, clarify, and explain these relationships. But the concepts should be logically independent of one another, and their definitions should indicate the kinds of empirical variables falling within their scope as well as those that fall outside. In containment theory, by contrast, concepts are defined by asserting their functions and by illustration. For example, pulls "draw the person away from his original way of life and accepted forms of living" (Reckless, 1967, p. 480). This is followed by a list of illustrations, including "prestige individuals, bad companions," and so forth.

Now, if we take seriously the statement that pulls draw people away from an accepted form of living and also the further assertion that bad companions are an example of pulls, then there is no need to test the corollary argument that bad companions are an influence towards deviance. The definitions have solved this question for us. Unfortunately, these definitions do not tell us how to recognize a bad companion—or a pull, for that matter—when we see one.

In addition, Reckless tends to assign some of the variables to more than one of his theoretical concepts. When a variable has a score that is favorable to conformity, it is listed under outer containment; but if its value favors delinquency, the same variable is placed under the concept of pressure. For example, "lack of opportunity" is cited as a pressure, while "providing meaningful roles and activities" and "creation of a sense of belonging and identity" are elements of outer containment. Again, "bad companions" are regarded as pulls, even though "supportive relationships" are assigned to outer containment.

The same difficulty is encountered in defining inner containment and pushes. For instance, "high resistance to diversion," an aspect of inner containment, and "extreme suggestibility," a psychological push, seem merely to signify different values of the same underlying characteristic. Likewise, "high frustration tolerance" and "extreme hostility and aggressiveness" may be opposite poles of a single variable. The same holds for "healthy self concept" versus "strong feeling of inadequacy and inferiority." Better measurement of these variables is necessary before their independence can be asserted with any confidence.

Considerable effort has been expended in measuring the self

concepts of delinquent and nondelinquent boys. Differences have been found in the way these boys view themselves with reference to significant others, and Reckless believes that they may help us to understand why many boys who live in urban slums and in disadvantaged homes can nevertheless develop and maintain nondelinquent patterns of conduct. The argument is that a healthy self concept insulates these boys against the pressures and pulls of deprived neighborhoods, bad companions, and delinquent subcultures.

However, the tenability of Reckless' view is brought into doubt when we examine the methods used in measuring the self-concept. Delinquent and nondelinquent boys were asked questions such as the following (Reckless and Dinitz, 1967):

Will you probably be taken to juvenile court sometime?
Do you think you'll stay out of trouble in the future?
Have most of your friends been in trouble with the law?
Have you ever been told that you were headed for trouble with the law?
If you found that a friend was leading you into trouble, would you continue to run around with him or her?

Such items were initially selected on the basis of their ability to differentiate between students who were nominated by their teachers as "good" boys and "bad" boys. Teacher nominations, it seems, would reflect a boy's status, reputation, and school performance more than his responsiveness to criminogenic pulls and pressures. Indeed, many teachers may not be sufficiently informed about variations in the pressures confronting their pupils to take such things into account in making their nominations. If so, the self concept, as operationalized in these studies, does not necessarily demonstrate any inner containment or insulation against the influence of evil companions and the like. Instead, it reveals the attitudes of boys who have bad companions or have themselves been in trouble as compared with boys who have not.

To argue that boys who have no delinquent companions are insulated against delinquent companions by inner containment is pure tautology, of course. So is the argument that boys who have never been labeled "bad" are insulated against harmful influences. If insulation means resistance against harmful influences, then we need to study boys who have bad companions but have resisted their impact, as compared with boys who have succumbed to such influence, in order to discover what it is that provides the insulation. We cannot get the answer by comparing boys having good companions with those having bad companions.

Despite the considerable promise and potential of containment

theory, its logical and empirical defects call for a fundamental reconstruction. As is true of many other descriptive theories, its explanatory power is more deceptive than tangible. It serves better as a guide to further research than as a compendium of well established propositions.

Labeling Theories

Another important effort to integrate our knowledge of crime and corrections is found in what have come to be known as labeling theories. These theories are less interested in the offender and his characteristics than in the criminalization process by which a community seeks out its law violators, stigmatizes them, and assigns them to the status of the pariah. In their view, it is not the criminal act so much as it is society's reaction to the act that determines the development of criminal careers.

Our discussion of labeling theories is based on arguments developed nearly a half century ago in the important works of Frank Tannenbaum (Tannenbaum, 1938). More recent additions include works on the distinction between primary and secondary deviance (Lemert, 1951), the role of politics, power, and social conflict in the labeling process (Turk, 1969; Quinney, 1970), and the extension and elaboration of the basic concepts (Becker, 1963). The assumptions that best distinguish between labeling and other theories are perhaps the following:

1. No act is intrinsically criminal. It is the law that makes an act a crime. Crimes therefore are defined by organized groups having sufficient political power to influence the legislative process. Many acts that are socially harmful and morally indefensible fall outside the purview of the criminal law, and some acts defined as crimes are of little social consequence.
2. Criminal definitions are enforced in the interest of powerful groups by their official representatives, including the police, courts, correctional institutions, and other administrative bodies. While the law provides detailed guidelines in its substantive definitions and rules of procedure, the way the law is implemented may be determined by the decisions of local officials who depend upon political and social leaders for financial support and other resources.
3. A person does not become a criminal by violating the law. Instead, he is designated a criminal by the reactions of authorities who confer upon him the status of an outcast and divest him of some of his social and political privileges. Although the degree of deprivation may vary by offense, victim, time, place, and other circumstances, the identification of a person as a criminal always justifies his being consigned to a deprived status.
4. The practice of dichotomizing people into criminal and non-

criminal categories is contrary to common sense and empirical evidence. According to self-reports and other unofficial sources, most of the acts committed by criminals are in conformity with the law, while some of the actions of so-called conformists are in violation of the law. The criminal label therefore designates a person's legal status, not his behavior.

5. Only a few persons are caught in violation of the law though many may be equally guilty. The ones who are caught may be singled out for specialized treatment. Their arrest precipitates a sequence of experiences which most others do not share. There suddenly appear the police, the jail, the criminals and misfits found in the jail, the court with its retinue of lawyers, judges, witnesses, and other personnel. There are handcuffs, cells, bars, uniformed guards. There are investigations, examinations, tests, questions, allegations, accusations, verdicts and judgments over which the offender has little control. Although the accused person may be no different from the rest of his group, he suddenly becomes the central character in a drama that can have one of two endings: acquittal or conviction. If he is acquitted, the curtain is soon raised again with someone else in the major role; if convicted, he is condemned not only for what he has done but for all of the evils attributed to criminals in general. By being labeled a criminal he becomes one of the few that many can blame for the ills of all. He becomes a scapegoat.

6. While the sanctions used in law enforcement are directed against the total person and not only the criminal act, the penalties vary according to the characteristics of the offender. It may be true that the law is no respecter of persons and that technically a previous criminal record is not relevant in determining the validity of charges against an individual. But it is also true that recidivists are ordinarily treated more harshly than first offenders. Usually, the more serious the prior record the greater the penalty for the instant offense. Thus, the decisions of many authorities seem to reflect the belief that, "Once a criminal always a criminal; but some are more criminal than others."

7. Criminal sanctions also vary according to other characteristics of the offender, and for any given offense they tend to be most frequent and most severe among males, the young (excepting juveniles handled in civil courts), the unemployed or underemployed, the poorly educated, members of the lower classes, members of minority groups, transients, and residents of deteriorated urban areas. These are precisely the population segments that continue to have the highest rates for most criminal offenses. The greater the punishment the greater the crime rate.

8. Criminal justice is founded on a stereotyped conception of

the criminal as a pariah—a willful wrongdoer who is morally bad and deserving of the community's condemnation. Condemnation is achieved by means of status-degredation ceremonies, such as the criminal trial, which strip the offender of his former identity and commit him to the new and inferior status of an evil person. Further stripping occurs if the offender is sent to prison, where he is deprived of personal possessions, assigned a number, and cloaked in a uniform symbolizing his outcast position. After discharge from the institution, he is shunned by respectable people, prevented from voting in elections or holding office, handicapped in finding employment or other legitimate pursuits, and deprived in many other ways. He cannot leave the community, change his residence, buy a car, get married, or enter into other contractual agreements without the approval of his parole officer.

It is true that the offender's skills may be developed and his attitudes modified by correctional treatment. But these are relatively unimportant if they do not alter his position in the community or the public's attitudes towards him. And the community's attitudes are not likely to change, for the system of justice dramatizes evil men rather than evil acts and evil practices. The criminal label alerts citizens to the presence of an evil person in their midst, and this designation, once given, is likely to be held regardless of the offender's present or future behavior. If he continues his criminal activities, this merely confirms the community's previous verdict; if he mends his ways, he may encounter doubt and suspicion, and his efforts may be viewed as a devious device for concealing his criminalistic inclinations. The public's reluctance in accepting evidence of the criminal's rehabilitation is regarded as one of the reasons for our high recidivism rates and for the limited success of our correctional programs, especially our efforts at treatment and therapy.

9. Confronted by public condemnation and the label of an evil man, it may be difficult for an offender to maintain a favorable image of himself. Initially, he may blame his low status on bad luck, lack of opportunity, discrimination, or other things beyond his control, and in this manner he may resist people's opinions of him. In rejecting these opinions, however, he is inclined also to reject the persons holding them—just as he has been rejected as a person on the basis of his criminal act. He may therefore develop an antagonism towards the community, especially its officials, and this is likely to increase the probability of further offenses.

Further offenses tend to elicit more strenuous countermeasures on the part of the authorities, thereby escalating the negative actions and reactions in a manner that hardens and crystallizes the antagonistic attitudes of actor and reactor alike. Eventually the

offender comes to see himself as an enemy of society engaged in a war in which right is more on his side than on society's. He acquires the traits first imputed to him and becomes the evil person he was labeled to be. In some cases beginning with an isolated and perhaps innocuous violation, an offender may be propelled by the criminalization process into a career of crime as a way of life.

Tannenbaum summarizes the argument nicely in the following comment (Tannenbaum, 1938, p. 477):

> If we wished to make a criminal out of anyone, no better method could be devised than to dramatize and herald his activities the way we are doing. It not only conditions him towards an estimate of himself; it sets the attitude of his fellows and forms on the part of the world at large a basis of judgment that makes change on his part proportionately more difficult. No more self-defeating device could be discovered than the one society has developed in dealing with the criminal. It proclaims his career in such loud and dramatic forms that both he and the community accept the judgment as a fixed description. He becomes conscious of himself as a criminal, and the community expects him to live up to his reputation, and will not credit him if he does not live up to it.

Much of the support for these views regarding the impact of society's reaction to crime comes from informal observations of the judicial machinery, reports of offenders, and selected case studies. Studies of drug abuse, alcoholism, homosexuality, abortion, and other offenses against official conceptions of decency have been particularly influential.

An illustration is Becker's account of the genesis of drug addicts' careers (Becker, 1963, pp. 34–35). Drug users are treated according to popular notions of why they want the drug. They are regarded as weak-willed individuals who cannot resist the indecent pleasures afforded by opiates. They are labeled, punished, and forbidden to use drugs. Since they cannot get drugs legally, they resort to illegal methods. This forces the drug market underground and pushes the price so high that few can afford it on an ordinary salary. Hence the legal treatment of these addicts places them in a position where it is necessary for them to use illegal measures in obtaining funds to support their habit. Their criminal careers are more a consequence of the public reaction to drug users than a consequence of any qualities inherent in the act of using a drug.

Popular conceptions of criminals and other deviant individuals are heavily loaded with putative elements. For example, a peculiar mannerism or an accidental event could result in a person being labeled a witch in colonial times. Today an innocent child's testing of normative limits or his penchant for risk-taking often gains him the reputation of a bad boy, students engaged in peaceful demonstrations against social policies are likely to be called radical

bums, and in most states of the union a doctor who admits doing an abortion may lose his license and be convicted of a crime. In such cases the imputed characteristics may create greater social problems than the deviant acts they are intended to explain.

Imputations of motives and other characteristics by both the community and the actor serve as a basis for distinguishing between primary and secondary deviation (Lemert, 1951). Primary deviation refers to aberrant behavior that is considered alien to the actor's character and demeanor, a kind of unorganized and unmotivated nonconformity which may occur on occasion among people generally regarded as lawabiding and as playing socially accepted roles. Perceived as more of a nuisance than a threat to the group's integrity, such idiosyncrasies are commonly tolerated.

Secondary deviation, by contrast, refers to repetitive violations that are organized and integrated as part of the self image. If the group considers a violation to be a threat, it ascribes motives and other characteristics to the offender in terms of its assumptions regarding the causes of deviance. These ascriptions are subsequently internalized in many cases, and the actor comes to see himself as others see him. Hence secondary deviation occurs when an actor employs deviant behavior as a means for defending himself, attacking the group, or adapting to its reactions against him.

Lemert also describes the sequence of interactions leading from primary to secondary deviation. First an act of primary deviation occurs. Society reacts by instituting repressive measures against the actor. The result is a feedback cycle involving more deviations, more penalties, and still more deviations. Hostilities and resentments are built up, culminating in official reactions which label and stigmatize the offender, thereby justifying even greater penalties and restricting the actor's opportunities for changing his role. Ultimately both sides accept the actor's deviant status. A career of systematic norm violations is the ordinary outcome.

Our treatment of law violators often serves as a self-fulfilling prophecy. It forecloses the offenders' noncriminal options and coerces them into a criminal role. This is known as the criminalization process, a procedure for defining, detecting, identifying, labeling, segregating, and emphasizing the things society officially regards as evil, finding a scapegoat, and making people conscious and self-conscious about crime and the consequences thereof. It produces criminals by dramatizing, suggesting, stimulating, and evoking the very characteristics it is allegedly designed to alleviate.

In fact there is little evidence that the present system of justice —particularly the labeling rituals and the dramatization of evil—

is effective in controlling crime. Instead of impeding crime, it functions to establish and to perpetuate the subordinate statuses of persons labeled criminals. This it does with apparent efficiency.

Even if we acknowledge the obvious inadequacies of our justice system, however, it must be admitted that the above views regarding the impact of society's reaction to crime do not constitute a coherent and well formed theory. Many of the arguments are speculative, polemic in tone, and lacking the corroborative support of rigorous research.

One of the few comprehensive statistical studies of criminalization was recently reported (Turk, 1969). Turk hypothesizes that society's reaction to crime depends upon the severity of the offense, the degree of agreement between criminal laws and cultural traditions, the relative power and influence of law enforcers and law violators, the amount of realism or sophistication employed by enforcers and violators in their conflict with one another, and the extent to which violators are organized among themselves. By examining USA arrest rates for 1958 and 1965, the study shows that males, young adults 18 to 25 years of age, and members of ethnic minorities have the highest rates for most offenses. Moreover, the discrepancies in arrest rates tend to be greatest for the most serious offenses. Arrests involving homicide, rape, robbery, and use of weapons, for example, are 8 or 10 times as great for nonwhites as for whites, while the discrepancies are less than half that large for most other felonies and nearly all misdemeanors. Some exceptions are prostitution and gambling. For these offenses nonwhite arrest rates exceed white rates by ratios greater than 10 to 1.

If we assume that males, young adults, and minority groups have limited power and relatively little commitment to legal norms, the data tend to support some of the hypotheses mentioned. But there is need for more reliable information on normative commitment, power, realism, deviant organizations, and the relationship between arrests and law violations in order to demonstrate the theory's validity. In the absence of such information, the findings can be interpreted as supporting various other theories as well as the labeling framework.

Another problem with the labeling approach is the tendency for some researchers to make the labelers the culprits in the field of crime control. Sometimes the argument implies that there would be no crime if there were no law enforcers and no criminalization process. This is illustrated by the way deviance is occasionally defined (Becker, 1963, p. 9):

> . . . social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particu-

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lar people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label.

The above definition seems to contend that labeling is both necessary and sufficient for an act to be deviant. But if this were so there could be no secret deviance, no undetected deviance, no toleration of deviance, and most offenses falling under rubrics such as white collar crime and organized crime would have to be considered nondeviant. Nor could there be studies of false accusations, perjured evidence, or unjust sanctions (See Table 2.1). Indeed, the argument that criminal sanctions are unfairly applied against the lower classes—a common theme in the works of most labeling theorists—would be deprived of its logical foundation.

Some violations of the law result in labeling and criminalization, while others do not. Occasionally the criminal label is assigned to persons who have not in fact violated the law. Many of the injustices perceived in our system of justice can be described in terms of these two kinds of error. And the investigation of these errors requires that the deviant act be clearly differentiated from the labeling process. Documentation of the errors, inadequacies, and inconsistencies of our social control methods is one of the objectives of correctional research. It therefore would be unwise for us to adopt without qualification Becker's positivistic formulation of the deviance concept.

Social Control Theories

Most of the theories we have examined take conformity for granted and focus on the problem of explaining deviant behavior. By portraying man as a moral animal who internalizes the norms of his society and one having the insight or empathic ability to be sensitive to the expectations of others, they conclude that social harmony is the normal condition. Deviance occurs when for some reason the norms are rejected, insight is lacking, or the individual becomes involved in groups whose expectations are in conflict with the dominant norms.

Control theories are different. They take deviance for granted and try to clarify the reasons for conformity. Accordingly, the child is seen as an amoral individual who soon learns that deviance may frequently result in quicker and easier goal attainment than does conforming behavior. Likewise, many an adult belongs to groups whose norms are so unclear or inconsistent that it is hard for him to understand the expectations of others or to anticipate the consequences of his failure to conform. Harmony and order in this view are rarer than conflict and disarray.

These theories assume that crime and deviant behavior are the result of inadequate normative systems or inadequate linkages between individuals and social groups. The more disorganized the group to which an individual belongs, the less he can depend on it for guidance, the more he is left to his own resources, and the more he is controlled by his personal interests. Normative order is a prerequisite for conformity, and weak social systems, not weak individuals, are the sources of criminal behavior.

Systems. System is therefore a key concept in control theories. The term denotes any set of interrelated parts or elements. Physical and biochemical systems are perhaps the most familiar. The heart, for instance, is a system whose elements are living cells, each of which is a system of molecules, which are systems of atoms. The heart, in turn, may be regarded as an element of the circulatory system, which is one of the elements of a living organism (a biological system), which is an element of the ecological system. In each of these illustrations, the concept indicates nothing more than a set of elements and their relationships.

Systems are ordinarily described in terms of statics and dynamics. Statics refers to things such as the characteristics of the system and the properties of its elements, while dynamics involves the interrelationships among the elements and the system's interaction with its environment. For example, a household heating system may be comprised of a furnace, fuel, air ducts, electric current, thermostat, and switching mechanisms, each of which has certain properties which in combination determine the heat-regulating potentiality of the system. These elements are related to one another in such a manner that the system responds to environmental changes by maintaining room temperature within a fixed range of variation.

Various kinds of relations may be found among the elements of a system. Perhaps the simplest of these is the direct causal relationship, in which one element has a determining influence on another without itself being affected. An example is the light reflected from a landscape upon the film in a camera. The effects flow in only one direction and the reflection on the film in no way influences the landscape or the light source. Such relationships are exploited in photographing galaxies, harnessing energy, controlling certain diseases, and doing many of the other things made possible by our ability to manipulate some of the elements having causal relations with others in relatively simple systems.

However, causal relations of the kind mentioned are seemingly uncommon, especially in complex social systems. Social relations are often fleeting, subtle, dependent on a variety of conditions, and exceedingly difficult to measure. For these reasons they are often

classified as probabilistic or deterministic, direct or indirect, one-way or reciprocating, continuous or sporadic, cumulative or diminishing, consistent or variable, and so on. The relation of one element to another may depend on the history or the condition of the former, the latter, or both. It may be influenced by the presence or the condition of a third element, which may itself be unaffected.

Some systems are responsive to conditions in their environment, while others are nearly impervious to outside influences. Some are confined to nonsocial phenomena, whereas others are subject to human intervention and rational influences. Especially important in social systems and others that respond to human controls are feedback relations and pressures towards rationality.

Feedback is illustrated in even the simplest forms of social interaction, which almost always produce some changes in the actors involved. A more elaborate illustration is the free economy. Any change in the supply of a commodity has an indirect influence, through price adjustments, on the demand for that commodity, and the resulting change in demand has a feedback effect upon the available supply. In this hypothetical system, price varies inversely with supply and directly with demand. The influences counteract one another, resulting in a tendency towards stability or equilibrium in the system. But if price were to vary directly with supply as well as demand, the influences would be cumulative. The system would tend to expand without limit and perhaps disintegrate.

Rationality implies that some systems may be utilized by man in developing strategies for achieving his goals and objectives. Strategies are mainly linguistic devices—laws, rules, policies and the like—designed to control one or more of the system's elements. The implementation of such a strategy calls for the system to perform several distinctive functions, such as detection, selection, and reaction. Detection means that the system must be sensitive to the condition of the elements under control. Selection entails a choice among response options, depending upon the detected condition of the elements. Reaction indicates that the selection of an appropriate response option produces the desired changes in the system.

A heating system, as already suggested, performs these functions in holding room temperature at any desired level. The thermostat senses the temperature of a room, selects the on or off position of a switch, and activates or shuts off the furnace, depending upon the thermostat setting. Somewhat similar systems are designed to purify water by using chlorine and other chemicals, to keep a balance between public income and expenditures, to maintain streets and highways for traffic control, and to provide schools and other resources dedicated to the education of children. There are implications here also for crime control, although there may be

questions about the system's objectives, its strategies, and the extent to which it has been rationalized.

Complete rationality is not to be expected in man-made systems, nor is control likely to be perfect. However, some degree of rational control is quite common. The economy, for instance, is often considered as operating under natural rather than man-made laws; yet there is growing evidence of at least partial control through the deliberate manipulation of credit, interest, taxes, liquidity, public expenditures, dollar values, and other devices. To the extent that such measures are increasingly able to moderate our booms and depressions in favor of an adjustable level of activity, we are moving towards a rationally controlled economy.

Rational control may sometimes be employed covertly. Some administrators and other authorities may feel their control problems are simplified if people believe that certain systems cannot be influenced by human means. That is, people may more readily accept the systems as they are if they think nothing can be done about it. In attempting to perpetuate such a belief, the authorities may employ rational controls while at the same time denying their feasibility. But the facts of experience tend to discredit the belief, and the better informed people are, the less likely are they to accept without question the traditional explanations of a system's operation.

These comments direct attention to some of the complexities involved in conceptualizing social systems. Social reality is not all of one piece. What one observer endorses as being cognitively correct and morally right may be rejected by another. This means that in addition to the difficulties entailed in identifying a system's elements and their relations, there are formidable issues relating to variations in people's perceptions of the system, depending upon the amount of their information, their beliefs and ideology, their positions in the social structure, and their attitudes towards the system's activities and objectives.

Accordingly, control theories use a variety of conceptual approaches, which are largely determined by the theorist's research interests. To illustrate, some researchers stress the rational elements of social systems, others the traditions; some deal mainly with organization and conformity, others with disorganization and deviant behavior; some are chiefly interested in the methods of goal attainment, while others are more concerned with social order and pattern maintenance; and some investigate group characteristics primarily, whereas others study the traits of individuals and their relationships. The thing that unifies all of these frameworks is the attempt to coordinate previous findings in the analysis of social control and its problems.

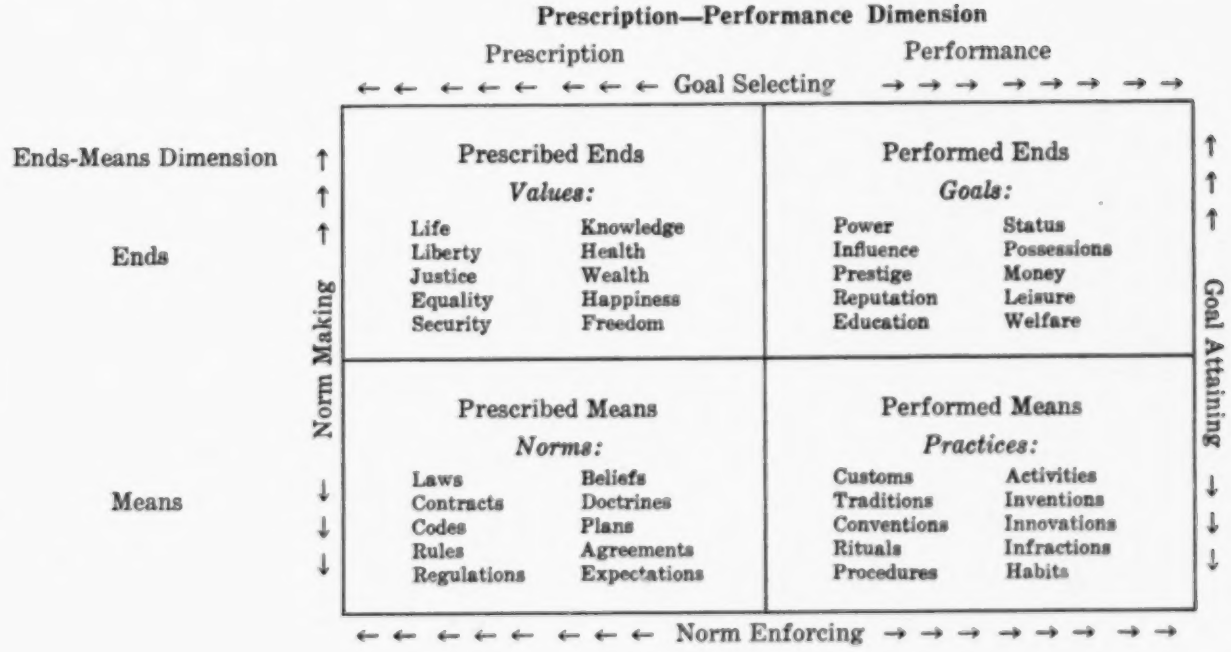
Instead of reviewing the different conceptual frameworks, we present some elementary models that seem consistent with most of them. We begin by examining groups and other social organizations as systems, identifying their basic elements, and considering some of the relationships among these elements. More elaborate models can then be constructed by taking into account group structures, position networks, ideologies, individual traits, and some of the social bonds that differentiate between isolated individuals and organized groups.

It is useful to describe any social group in terms of four basic elements arranged in two dimensions: ends-means and prescription-performance. Ends, of course, designate the group's purposes or objectives, and means identify the methods employed in efforts to achieve them. Prescriptions include laws, rules, policies, codes and any other normative instruments designed as guides to human conduct, while performances are comprised of the different practices and activities actually observed in the group. These elements may be explicitly recorded in official documents or they may be reported only informally. Sometimes they are unstated and merely implicit in the behavior of the group's members.

By combining the two dimensions as shown in Table 4.2, we can see that the complete integration of a social system is highly problematic. There is always the possibility of disruptive relationships among the elements. To illustrate, the means prescribed (norms) may be incapable of preserving the group's values, goals may be beyond the reach of practices, norms may preclude the pursuit of desired objectives, values may inveigh against needed practices, and there may be various discrepancies between goals and values or norms and practices.

These are some of the reasons why conforming to the group's norms does not guarantee the achievement of its goals. Nor does nonconformity necessarily result in failure or the destruction of human values. Hence criminality may have precisely the same goals as noncriminal behavior. And some criminal offenses—certain instances of vagrancy, nonpayment of debts unwittingly encumbered, refusal of military service, abortion, and attempted suicide are examples—may be as much in accord with expressed values as are some legal conventions. Many cases of fraudulent advertising, sale of inferior merchandise, improper services, usury, profiteering, exploitation, pollution, abuse, neglect and incompetence are not proscribed by the law, and some acts that are proscribed—price fixing, political corruption, bribery, police brutality, and, until recently, lynching, for instance—are rarely met with effective constraints. Such activities may be more destructive of life, liberty, and other values than most conventional

Table 4.2 Model of Social System in Two Dimensions: Basic Elements and Primary Relations. Some Illustrations from Middle Class America.



crimes. But our enforcement mechanisms deal mainly with alleged norm violations, and if the preservation of certain values is not written into the law, they cannot be protected by legal means.

The Table suggests that the fundamental problems encountered in a system's operation are norm formation, norm enforcement, goal selection, and goal attainment. Most of the research on social systems has dealt with goal attainment and norm enforcement, perhaps because practices are more visible than prescriptions. However, instead of taking norms and values for granted, we need research in these areas, since it is clear that some degree of consensus on social prescriptions is essential to any kind of sustained and organized interaction involving two or more persons.

Norms are of several varieties. Most conspicuous are the formal ones. Formal prescriptions and proscriptions, for example, are preserved in writings, paintings, monuments, drawings, charts, and other symbolic devices that have the official endorsement of an organized group. Some illustrations are the Constitution of the United States, the Magna Charta, the Ten Commandments, the criminal code of a given State, the personnel charts and job descriptions of a factory or a business concern, the rule-book of a certain game or contest, and similar rules and regulations maintained by different groups and organizations. Such norms are usually sanctioned by authorized agents who are required to follow officially designated procedures in maintaining the system's integrity and discouraging deviant behavior.

Formal prescriptions have to be legitimated by official decisions, and they are ordinarily communicated to the group's members by indirect methods. A person can read the criminal code in privacy, for instance, and enforcement agencies often handle their business by form letters or impersonal correspondence. The public spectacles and personal encounters that sometimes occur in criminal trials are not designed to communicate or clarify the law's content so much as to instill fear and respect for the law's enforcers. Since the content is preserved in various kinds of documents, it is somewhat independent of face-to-face communications and interpretations. Law therefore tends to have a high survival value. However, if statutory content is consistently disregarded in the decisions of enforcers, the law is a dead letter.

Less likely to serve as dead letters are informal norms—commonly called expectations. In contrast to formal norms, expectations are legitimated by personal experience, communicated mainly through direct contacts, and enforced by unofficial measures, which frequently involve stigma or disapprobation for norm violations and approval or esteem for conspicuous conformity. In addition, informal norms are detailed and particular, often involving mat-

ters of etiquette and the niceties of human interaction, while formal prescriptions are commonly more general, abstract, and concerned with principles of action.

Nearly everyone is assigned a set of unwritten expectations in each of the groups to which he belongs, some quite familiar and others rather esoteric. The father, for example, is expected to play a familiar role—to be loyal, faithful, and attentive to his family, a good provider, a firm but sympathetic disciplinarian, and a pillar of strength in times of need. Ordinarily, it is also expected that other members of the family will be appreciative of the father's efforts and supportive of his role. Such reciprocating expectations tend to produce harmony and balance in familial systems, even though the prescribed roles may vary somewhat from one community to another.

The more esoteric roles and expectations are often found in less commonplace situations. For example, riotous mobs, instead of engaging in random outbursts of destructiveness, usually conform to conventions of their own making. Dissenting groups soon acquire informal codes of ethics which, although drastically different from the codes of the broader society, may demand complete conformity among their adherents. As a result, the strategies of dissenters may sometimes exhibit maneuverability and orderliness that are difficult for the police to achieve in their strategies of control, despite the formal training and militaristic discipline to which they are frequently subjected. Unless the police have the mutual insights, understandings, and expectations that enable them to coordinate their activities under emergency conditions, the formal policies and the official manual of procedures are of limited utility.

All of this suggests the most salient characteristics of informal expectations: ubiquity, flexibility, and relevance to the spontaneous events that inevitably occur in human affairs. Interpersonal relations are mainly determined by the sentiments, attitudes, and mutual understandings that grow out of experience and provide the foundation for informal norms. While laws and other formal devices may serve as a guide to a desired state of affairs—a blueprint for the attainment of designated objectives—these norms need to be supplemented, enriched, and validated by informal expectations if the blueprint is to be implemented with any degree of success. It follows that the law is a dead letter unless it is sustained and corroborated by personal experience and informal expectations.

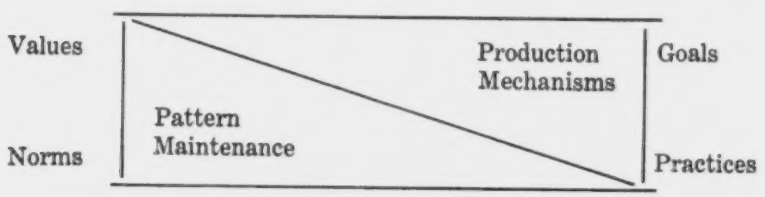
Hence most social enterprises are governed by both formal and informal norms. If the two sets of norms are in disagreement, it is not likely that any enterprise can operate with efficiency. And if

all energies are devoted to maintaining coherence among the norms, the enterprise tends to become rigid, ritualistic, and stultifying. While the norms may survive, no resources are left by which to achieve external objectives or to make needed adaptations to changing environmental conditions.

For these reasons any social system faces two major problems of adjustment. First is the maintenance of a flexible though consistent normative pattern that makes possible the coordination of human efforts under changing conditions. Second is the utilization of coordinated efforts, through normative regulations, in the attainment of external goals and objectives. These are the fundamental and complementary functions of social order.

Whenever the norms dominate the values, goals, and practices of a social system, ritualism and extreme emphasis on pattern maintenance are likely to occur (See congruence theories). Some observers argue, for example, that our criminal courts are often more concerned about procedural matters than about the empirical correctness of their decisions. Not all systems are dominated by normative elements, however. Some are oriented towards the creation of goods, services, and other goals. In these the focus is more on mechanisms of production than on pattern maintenance. Too much emphasis on goals and productivity, however, may tend to encourage expedient behavior, disruptive innovations, exploitation of personnel and other resources, and the ultimate abandonment of normative constraints. An appropriate balance between goals and norms demands that all elements and processes receive constant attention, as suggested in the figure below.

Table 4.3 Pattern Maintenance versus Production Mechanisms.



Protection against the extremes of ritualism and unbridled innovation requires that a system's goals be clearly defined, that they be consistent with one another, and that objective criteria be developed for measuring the degree of their attainment. Goal attainment is ordinarily the result of collaborative effort calling for a division of labor among people occupying different social positions. Sometimes goals are arranged in a hierarchy according to their relative values, and people can choose among them in terms of personal interest and ability. Or the goals may be arranged in

sequential patterns, making it necessary that one be achieved before another can be pursued. Without such definitions, specializations, hierarchies, sequences, and the like, it is almost impossible for the members of a social system to profit from experience or to make intelligent modifications in the system's normative components.

Many different goal sequences, hierarchies, and specializations are found in our system of justice. For instance, crime must be defined before an offender can be identified, and identification normally precedes punishment or corrective treatment. Definitions are mainly the result of legislative action, while the identification of offenders is a judicial function involving the police and the courts. Treatment, in turn, is provided by prisons and other institutions, probation and parole agencies, and a variety of related establishments. In addition, most offenses are assigned crude rankings in terms of their perceived severity, and the reactions of officials are more or less in accord with these rankings. On superficial inspection it may appear that these goals are well enough integrated to make their achievement quite probable.

Disorganization and deviance. However, the goals of legislators, police, courts, and correctional agencies are not always in agreement, nor are they achieved with any great frequency. Most offenses escape the net of enforcement officials; bargaining between the prosecution and the defense in many cases negates the ranking of offenses; and offenders receiving correctional treatment seem, by and large, to have about the same recidivism rates as those who do not. Furthermore, the prison's goals of therapy, deterrence, social protection, and punishment are often mutually exclusive, and the credence given these objectives varies greatly from one part of the justice system to another. The police, for example, may feel that punishment is insufficient in modern prisons, whereas prison workers may contend that police harassment and other forms of street justice are impediments to the rehabilitation of offenders. Even more important, perhaps, is evidence that violations of legal norms are no less common among the agents of authority than among many other segments of the population. It is unrealistic to claim a consensus on goals and norms under these circumstances.

In fact, the system of justice exhibits nearly every kind of disorganization and deviant behavior observed in the rest of society. Although this contention is documented in later chapters, we need here to clarify the use of these concepts in theories of social control. In these theories, organization and disorganization are inversely related. They refer to opposite ends of the same

continuum, namely, the degree to which a group's values, norms, goals, and practices are integrated.

Disorganization may therefore appear in several varieties (See Table 4.2). One kind involves conflict between a group's prescriptions and its performances. Conflict between avowed and actual objectives is evidenced, for example, by criminal courts or other control agencies that are more interested in maintaining their patterns of authority than in curbing criminality. Another example involves prescribed norms that are vastly different from the group's practices. An instance of this is the inclination of some police systems to tolerate certain offenses even though the laws and official policies require that arrests be made whenever the evidence warrants it.

Still another kind of disorganization occurs when a set of goals or norms lacks internal cohesiveness. We have already noted that prison goals are inadequately defined, sometimes contradictory, lacking a pattern of relative values, and without tangible criteria for measuring the degree of their attainment. Again, the norms prescribed for achieving objectives may be contradictory, incompatible, or otherwise unfeasible. To illustrate, the informal expectations of prisoner society are often in conflict with official rules and regulations. In addition, people's behavior is frequently influenced by the responses they anticipate from others, and such anticipations are especially important when the norms are unclear or inconsistent. This suggests that mutual anticipations, more than any normative pronouncements, are the guiding forces in many of the relations between prison staff and inmates, police officers and suspects, or attorneys and clients.

Disorganization also has important implications for deviant behavior. Deviance refers to the failure of an individual to conform to some specified group standard. The standard in question may be a normative prescription that tells the individual how he ought to behave in a given situation; it may be a set of anticipations indicating the behavior that is regarded as most likely to occur; or it may be based on modal behavior, the way people actually perform in the situation. Unless these standards are consistent and compatible, behavior that conforms to one standard necessarily violates another.

Deviant behavior is therefore an inevitable consequence of disorganization. An individual's failure to conform to his role requirements may sometimes be due to the lack of integration among the elements of his social system. There is no kind of therapy or punitive reaction that can make him a conformist so long as this disorganization prevails. In such cases, reorganization of the

social system, rather than the treatment of the offending individuals, is essential.

A greatly simplified model of social integration, specifying some of the relationships between deviance and disorganization, is presented in Table 4.4. Prescriptions, anticipations, and performances of the social system are given in the vertical dimension, while the same characteristics are shown for an individual member in the horizontal dimension (A1, A2, A3 and B1, B2, B3, respectively). The model allows for possible discrepancies among the three kinds of group standards, and it also takes into account the standards of individual actors, whether deviant or not. Then, by cross-classifying the group's standards against the individual's, it specifies nine distinct points of possible conflict in any given social situation.

This theoretical model enables us to classify groups, societies, or other social systems according to the degree of their integration. A completely integrated society, for example, may be described in terms of three differentiating criteria. First, the society must be organized. That is, there must be full agreement among the society's prescriptions, anticipations, and performances as regards any given social situation:

Group prescriptions = group anticipations = group performances.

Second, the behavior of the actors must be organized:

Actor's prescriptions = actor's anticipations = actor's performances.

Third, the actors must conform to the group's standards, so that deviant behavior is nonexistent. The result is an Index of Conformity as follows:

Actor's prescriptions = group's prescriptions,
Actor's anticipations = group's anticipations, and
Actor's performances = group's performances.

Complete disintegration, by contrast, represents group disorganization, disorganized actors, and deviance in each of the nine cells of the model.

In this case all of the above signs of equality would be changed to inequalities. However, complete disintegration would mean social chaos, and most societies, even in times of upheaval and revolution, display a considerable amount of integration by comparison. Without it, they could not survive for long.

For a system to achieve a very high degree of integration, rational effort is necessary. Rationality implies that the system's elements are interrelated in a logically consistent manner, that its goals are precisely articulated and objective devices are used in measuring their attainment, that its norms are founded in competent information and knowledge, that the roles prescribed for

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Table 4.4 Model of Social Integration: Patterns of Organization-Disorganization and Conformity-Deviance in a Social Group.

Standards of Individual Actor	Group Standards of Conduct		
	Prescriptions (A1)	Anticipations (A2)	Performances (A3)
Prescriptions (B1)	A1 B1	A2 B1	A3 B1
Anticipations (B2)	A1 B2	A2 B2	A3 B2
Performances (B3)	A1 B3	A2 B3	A3 B3

Combinations of numbered letters indicate nine points of potential conflict between group and individual prescriptions, anticipations, and performances.

its members are feasible and compatible with one another, and that the activities of the members are coordinated in a manner productive of a cumulative movement towards the desired objectives. Complete integration may be approached, although probably never achieved, by some military enterprises, professional athletic teams, ecclesiastical societies, and other organizations having highly specialized functions.

Many social establishments, however, may use the concept of complete integration as a benchmark in assessing the effectiveness of their operations. The concept serves as an ideal, a hypothetical state of perfection, with which a group's performance can be compared. Thus, the members of a football team, for example, are expected to understand the actions prescribed for each player in every kind of game situation, to learn to anticipate difficult situations before they develop, and to conform to their role requirements despite the disruptive tactics of opposing players. At the end of a contest the players are rated by reviewing films of the game and by counting the number of instances in which their performances deviated from the prescriptive ideal. Their ratings may be as important to them as the final score of the game.

Studies show that a group's reaction to deviant behavior and to varying degrees of integration depends largely on its perception of the offending individual (Sherif, 1961). If the offender is viewed as having an erroneous conception of his role requirements (discrepancies occur in cells A1B1 and A3B3 of the model), he is likely to receive special support and instruction aimed at correcting his misconception, and his noncompliance is not ordinarily regarded as malicious or threatening. Indeed the group may sometimes assume most of the responsibility for this kind of unintended noncon-

formity. If the offender knows what is expected of him and makes an effort, though unsuccessful, to conform (agreement in A1B1 and A2B2; deviance in A3B3), his position in the group may be assigned to someone else, but further punishment is improbable. Punitive reactions are reserved mainly for those whose deviance is considered willful and deliberate (conformity in A1B1; deviance in A2B2 and A3B3). Most criminals, of course, are perceived as falling in the latter category.

If a society's standards (A1, A2, A3) were always in agreement, it would be fairly easy to identify, and perhaps to control, deviant behavior. The necessary information could be obtained by simply comparing each actor's prescriptions, anticipations, and performances against the group's standard. Then special training and consistent application of sanctions might reduce the discrepancies. But a single standard seems to prevail in only the simplest social systems. In complex societies, nearly everyone recognizes certain discrepancies in the group's standards. This means that the individual, in order to conform, must exhibit in his own behavior the discrepancies found in his society. In terms of the model, $(A1 = B1) \neq (A2 = B2) \neq (A3 = B3)$. People who pattern their prescriptions, anticipations, and performances after the group's prescriptions (equalities in A1B1, A1B2, and A1B3) may be regarded as moralists, while those whose own standards are consistently in agreement with the group's modal performance (equalities in A3B1, A3B2, and A3B3) are perhaps viewed as extreme pragmatists. Both moralists and pragmatists may be classified as deviants, depending upon the degree of agreement among the group's standards. If the group is completely organized, then the moral and the pragmatic approaches to behavior are the same $(A1 = A3)$. In societies that are somewhat disorganized, however, the moralists tend generally to favor pattern maintenance while the pragmatists are more oriented towards goal attainment.

Deviance and control. The model may help us to understand some of the complexities of social control and the oenefits as well as the liabilities of deviant behavior. Too much uniformity frustrates progress. Moreover, social change, whether in an approved or disapproved direction, ordinarily involves the efforts of deviant actors who strive for new definitions of social objectives or new methods of achieving them. Some social disruption nearly always accompanies change, and it is no accident that innovative contributions often fail to gain immediate recognition or that many innovators are treated as villains, fools, and criminals. Historically, the moralists and the pragmatists have alternated in playing the dominant role with respect to matters of social integration, depending

on the direction in which their society is moving at any given time. Numerous additional patterns of deviance are possible, of course, and their influence is beginning the degree of disruption that should be permitted or the kinds of deviants who should be tolerated or encouraged, as compared with those to be giyen punishment or other negative sanctions, have thus far escaped systematic inquiry. The evidence is nevertheless clear that diverse interests and activities are characteristic of complex societies, and that the utilization of such diversity for beneficial purposes is increasingly the aim of social control.

Control theories therefore see deviance and crime in their social context and their historical setting. They focus attention on the dynamics of the interactional processes by which people move towards and beyond the brink of deviant behavior. They acknowledge the potentiality of violence in every actor, rejecting the romantic notion of good men and bad. Detailed case histories of law violators suggest that a deliberate and autonomous decision to commit an act of crime, followed by an appropriate sequence of responses leading to the act, is an uncommon occurrence. The road to criminality does not always have clear markers. It is circuitous, filled with options and alternatives. And its contingencies are such that the traveler, when he reaches the unexpected terminus named "Crime," frequently cannot understand how he got there.

Crime, then, may sometimes be the illogical consequence of a series of decisions, each logically made. Wars, riots, rebellions, and other forms of deviant behavior seem often to evolve in the same manner. One party responds to a perceived threat by raising the ante, as if in a game of poker. The other responds in kind. A feedback relationship is established which escalates the threats and restricts the remaining options until nothing is left except the precise outcome the whole sequence was intended to avoid. Such aleatory elements were recently noted in the delinquent behavior of juvenile gangs (Short and Strodtbeck, 1965). Thus, in a gang "rumble," one of the participants displays a weapon, to which the opposing side responds by making a similar display, along with even more threatening gestures. If the first actor retreats, he loses face among his partners. If he moves forward with gestures of his own, someone may get hurt. The intent to injure may have been remote at the beginning of the escapade.

Nor are such dangerous games restricted to delinquent gangs and criminal subcultures. It is probable that most deviants are like most conformists in that they are attuned to conventional norms most of the time. They drift between the world of convention and the world of crime, submitting occasionally to the demands of each, but avoiding the total commitment that would

disassociate them from one or the other. Furthermore, normative support for deviant behavior can readily be found in conventional society, where there are numerous legitimate excuses—rationalizations and stereotyped attitudes—for illegitimate conduct. These techniques of neutralization, as they have been called, tend to attenuate the impact of conventional controls and to justify deviance by denying responsibility for one's behavior, denying that anyone has been injured, denying that that the victim was unjustly treated, contending that loyalty to one's friends is more important than loyalty to an impersonal social system, condemning one's condemners, and so on (Matza, 1964; Sykes and Matza, 1957).

According to control theories, an individual's susceptibility to neutralization and to other deviant pressures is dependent upon his linkages with the social system. Among the bonds that tie an individual to his group (Table 4.2) are the following: The actor's aspirations, their relations to the group's goals, and to its mechanisms of goal selection; his affective attachments to people and to other social objects; his commitment to the group's methods of goal attainment, its performance standards, and any of its deviant practices; his involvement in procedures for enforcing group norms, in other conventional activities that are rewarding, and his stake in conformity as compared with the anticipated benefits of deviant behavior; and his beliefs concerning the group's norms and values, its instruments of norm formation, and his conceptions as to their validity. If these bonds are many and strong, deviance is not likely to occur, but if they are few and weak, such behavior is highly probable.

To illustrate, Travis Hirschi presents information regarding many of these variables in a study of more than 3600 junior and senior high school boys residing in Richmond, California (1969). The data are from police and school records as well as a lengthy questionnaire which included a section on self reported offenses. Much of the analysis deals with the self report findings. While the lower class boys have a higher incidence of police contacts, their self reported violations are about the same as the middle class boys'. Likewise, the Negro youths have more offenses than whites, but they are also lower in academic achievement and in several other variables that are highly associated with delinquency. Comparison of the delinquent and nondelinquent groups indicates that differences in social linkages are more apparent than differences in social class or ethnic status. Among the distinguishing characteristics of the delinquents are low academic, occupational, and other social aspirations; limited aptitude and indifferent or negative attitudes towards school and teachers; unsympathetic relations and lack of communication with parents, lax supervision,

absence of adult role models, and presence of delinquent friends; smoking, drinking, frequent dating, inadequate study habits, and other nonconstructive activities; and low regard for people in general, suspicion of the police, disrespect for the law, and support for the view that most delinquency is not really harmful.

Hirschi's evidence is in many respects consistent with the main contentions of control theories. It portrays the conformist as a person whose ties to the social system tend to discourage deviant behavior, as suggested in Table 4.5. He exhibits allegiance to conventional norms, legitimate practices, and conformist actors. He disassociates himself from deviant social elements and deviant actors. He is sensitive to the support of conforming individuals and recognizes his nonacceptance by deviant groups. He anticipates success, and his stake in conformity is sufficient to deter him from jeopardizing his chances.

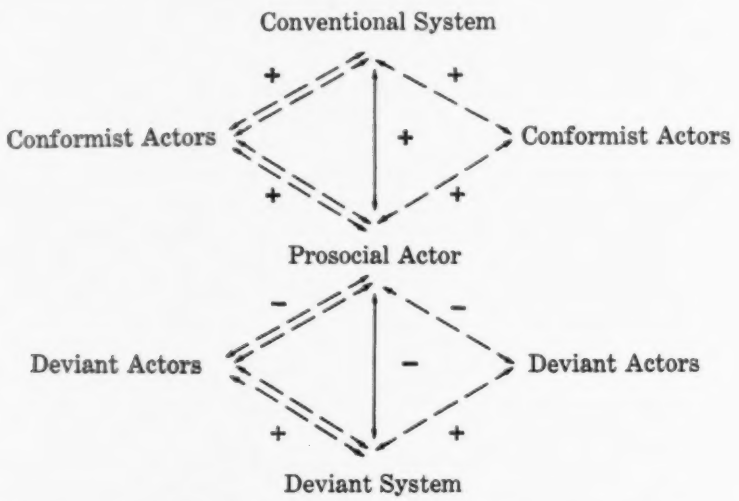
By changing some of the signs in the Table, we can illustrate the different patterns of social relationships that characterize various types of deviant actors. Some antisocial offenders, for example, reject the conventional system and endorse the criminal subculture. Others are affiliated with both systems but committed to neither. Still others avoid social alliances of any kind and endorse a philosophy of nihilism. A number of these deviant patterns are examined later in our discussion of prisoner society.

Of course, groups face the same problems of goal selection, goal attainment, norm formation, and norm enforcement. However, most groups use a division of labor in which legislators or other designated members are primarily responsible for norm formation, judicial authorities supervise the enforcement procedures, and executive officers focus on various aspects of goal attainment. Goal selection seems often to be taken for granted on the assumption that group membership is tantamount to the endorsement of the group's aims, and little effort is made to integrate the objectives of different organizations. Unless these functions are fairly well balanced the result is social disorganization.

The lack of effective organization means that many of our efforts at social control have unanticipated consequences. For example, insurance against theft losses spreads the cost of much thievery in such a way that neither the offender nor the victim may regard it as of great consequence. Auto theft is a case in point. It is one of the most rapidly growing offenses, frequently the first violation for which career criminals are arrested. Yet half of these thefts involve cars that were left unlocked or with the keys inside. In addition, the pilfering of goods or accessories from cars accounts for nearly 40 percent of all reported larcencies, and the theft of bicycles, also left unprotected in most cases, accounts for

Table 4.5

The Prosocial Conformist and His Ties to the Social System.



[Solid arrows represent positive (+) or negative (−) attachments to conventional and deviant social systems. Arrows on double broken lines represent attachments of conformists and deviants to prosocial actor and to their respective social systems, while single broken arrows represent prosocial actor's perception of conformists' and deviants' attachments to him and to their social systems. Note the system is balanced.]

another 15 percent or so. Similarly, much of the increase in bank robberies, house burglaries, and several other crimes seems clearly related to the abundance of opportunities and the lack of protective practices or other control devices. Thus, by reimbursing the victims of these offenses, our insurance policies may reduce the incentive for caution and in some cases may provide compensation for gross negligence on the part of the victim.

Many other examples can be found of crime control programs that tend to encourage crime. Better theories of control are needed if we are to make reliable judgments regarding the probable consequences of such programs. In the absence of reliable information and tested knowledge, our programs of crime control will no doubt continue to be marked by conflicts among the branches of government, among blacks and whites, among the advantaged and the disadvantaged, to the detriment of all. It may well be true that the inability of our social system to resolve these conflicts is a greater threat to social order than are the transgressions of our labeled criminals.

BIBLIOGRAPHIES: PERSPECTIVES

Correctional Myth and Ideology

I. General

Clinard, Marshall B. and Richard Quinney, *Criminal Behavior Systems: A Typology*, Holt, Rinehart, Winston, 1967.

Chambliss, William J., *Crime and the Legal Process*, McGraw-Hill, 1969.

Chapman, Dennis, *Sociology and the Stereotype of the Criminal*, Barnes and Noble, 1968.

Cressey, Donald R. and David A. Ward, eds., *Delinquency, Crime and Social Process*, Harper and Row, 1969.

Dinitz, Simon and Walter C. Reckless, *Critical Issues in the Study of Crime*, Little, Brown, 1968.

Erikson, Kai T., *Wayward Puritans: A Study in the Sociology of Deviance*, Wiley, 1966.

Gibbons, Don C., *Society, Crime and Criminal Careers*, Prentice-Hall, 1968.

Glaser, Daniel, ed., *Crime in the City*, Harper and Row, 1970.

Goffman, Irving, *Stigma: Notes on the Management of Spoiled Identity*, Prentice-Hall, 1963.

Haskell, Martin R. and Lewis Yablonsky, *Crime and Delinquency*, Rand McNally, 1970.

Hirschi, Travis and Hanan C. Selvin, *Delinquency Research: An Appraisal of Analytic Methods*, Free Press, 1967.

Juvenile Delinquency and Youth Crime, Task Force Report to the President's Commission on Law Enforcement and Administration of Justice, 1967.

MacIver, Robert M., *The Prevention and Control of Delinquency*, Atherton, 1966.

Marris, Peter and Martin Rein, *Dilemmas of Social Reform: Poverty and Community Action in the United States*, Atherton, 1967.

Mayhew, Leon H., *Law and Equal Opportunity: A Study of the Massachusetts Commission Against Discrimination*, Harvard Univ. Press, 1968.

Menninger, Karl, *The Crime of Punishment*, Viking, 1968.

Morris, Norval and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, University of Chicago Press, 1970.

Packer, Herbert L., *The Limits of Criminal Sanction*, Stanford Univ., 1968.

Quinney, Richard, *Crime and Justice in Society*, Little, Brown, 1969.

Schur, Edwin M., *Crimes Without Victims: Deviant Behavior and Public Policy*, Prentice-Hall, 1965.

Schur, Edwin M., *Our Criminal Society*, Prentice-Hall, 1969.

Sykes, Gresham M., *Crime and Society*, Random House, 1967.

The Challenge of Crime in a Free Society, President's Commission on Law Enforcement and Administration of Justice, 1967.

The Threat of Crime in America, Paul du Pont Lectures on Crime, Delinquency and Corrections, Univ. Delaware, 1969.

Wheeler, Stanton, *Controlling Delinquents*, Wiley, 1968.

Wilkins, Leslie T., *Social Deviance: Social Policy, Action and Research*, Prentice-Hall, 1964.

Wolfgang, Marvin E., Leonard Savitz, and Norman Johnston, *The Sociology of Crime and Delinquency*, Wiley, 1970.

II. Punishment and Deterrence

Ancel, Marc, *Social Defence*, Schocken, 1966.

Andenaes, Johannes, "Does Punishment Deter Crime?" *Criminal Law Quarterly*, 11 (1968), 76–93.
Ball, John C., "The Deterrence Concept in Criminology and Law," *Journal of Criminal Law, Criminology and Police Science*, 46 (1955), 347–354.
Bittner, Egon and Anthony M. Platt, "The Meaning of Punishment," *Issues in Criminology*, 2 (1966), 79–99.
Cardarelli, Albert P., "An Analysis of Police Killed by Criminal Action: 1961–1963," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 447–453.
Chambliss, William J., "The Deterrent Influence of Punishment," *Crime and Delinquency*, 12 (1966), 70–75.
Chambliss, William J., "The Impact of Legal Sanctions," pp. 360–378 in W. J. Chambliss, *Crime and the Legal Process*, McGraw-Hill, 1969.
Chambliss, William J., "Types of Deterrence and the Effectiveness of Legal Sanctions," *Wisconsin Law Review*, 1967, 703–719.
Claster, Daniel S., "Comparison of Risk Perception between Delinquents and Nondelinquents," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 80–86.
Cramton, Roger C., "Driver Behavior and Legal Sanctions: A Study of Deterrence," *Michigan Law Review*, 67 (1969), 421–454.
Crime and Penalties in California, California Assembly Office of Research, 1968.
Crowther, Carol, "Crimes, Penalties and Legislatures," *Annals of the American Academy of Political and Social Science*, 381 (1969), 147–158.
Feest, Johaness, "Compliance with Legal Regulations: Observation of Stop Sign Behavior," *Law and Society Review*, 2 (1968), 407–462.
Gerber, Rudolph J. and P. D. McAmany, "Punishment: Current Survey of Philosophy and Law," *St. Louis Univ. Law Journal*, 11 (1967), 491–535.
Gibbs, Jack P., "Crime, Punishment and Deterrence," *Social Science Quarterly*, 48 (1968), 515-530.
Gray, Louis N. and J. David Martin, "Punishment and Deterrence: Another Analysis of Gibbs' Data," *Social Science Quarterly*, 49 (1969), 389–395.
Jensen, Gary F., "Crime Doesn't Pay: Correlates of Shared Misunderstanding," *Social Problems*, 17 (1969), 189–201.
Klare, Hugh J., *Changing Concepts in Crime and Its Treatment*, Pergamon, 1966.
Mattick, Hans, *The Unexamined Death: An Analysis of Capital Punishment*, John Howard Association, 1966.
McClintock, F. H. and N. H. Avison, *Crime in England and Wales*, Humanities, 1968.
Mecham, Garth D., "Proceed with Caution: Which Penalties Slow Down the Juvenile Traffic Violator?" *Crime and Delinquency*, 14 (1968), 142-150.
Newton, George D. and Franklin E. Zimring, *Firearms and Violence in American Life*, Staff Report to the National Commission on the Causes and Prevention of Violence, vol. 7, 1969.
Owens, Claude M., "Report on a Three-Year Controlled Study of the Effectiveness of the Anaheim-Fullerton Municipal Court Drivers Improvement School," Municipal Court Review, 7 (1967), 7–14.
Powers, Edwin, Crime and Punishment in Early Massachusetts: 1620–1692, Beacon, 1966.
Public Knowledge of Criminal Penalties: A Research Report, Social Psychology Research Associates, 1968.
Radzinowicz, Leon, *Ideology and Crime*, Columbia Univ. Press, 1966.
Rettig, Solomon, "Ethical Risk Sensitivity in Male Prisoners," *British Journal of Criminology*, 4 (1964), 582–590.
Rettig, Solomon and Harve E. Rawson, "The Risk Hypothesis in Predictive Judgments of Unethical Behavior," *Journal of Abnormal and Social Psychology*, 66 (1963), 243–248.
Savitz, Leonard, "A Study in Capital Punishment," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 338–341.

Schuessler, Karl F., "The Deterrent Influence of the Death Penalty," *Annals of the American Academy of Political and Social Science*, 284 (1952), 54–63.
Schwartz, Barry, "The Effect in Philadelphia of Pennsylvania's Increased Penalties for Rape and Attempted Rape," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 509–515.
Sellin, Thorsten, ed., *Capital Punishment*, Harper and Row, 1967.
Tittle, Charles R., "Crime Rates and Legal Sanctions," *Social Problems*, 16 (1969), 409–423.
Toby, Jackson, "Is Punishment Necessary?" *Journal of Criminal Law, Criminology and Police Science*, 55 (1964), 332–337.
Tornudd, Patrick, "The Preventive Effect of Fines for Drunkenness," pp. 109–124 in Nils Christie, ed., *Scandinavian Studies in Criminology*, Olso, Universitetsforlaget, 1968.
Walker, Nigel, *Crime and Punishment in Britain*, Aldine, 1965.
Zimring, Frank and Gordon Hawkins, "Deterrence and Marginal Groups," *Journal of Research in Crime and Delinquency*, 5 (1968), 100–114.

III. Criminal Statistics

Akman, D., *et. al.*, "Replication of a Delinquency and Crime Index in French Canada," *Canadian Journal of Corrections*, 8 (1966), 1–19.
Akman, D. D., *et. al.*, "The Measurement of Delinquency in Canada," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 330–337.
Beattie, Ronald H., "A System of Integrated Criminal Statistics," *Criminologica*, 5 (1967), 12–19.
Chambliss, William J. and Richard H. Nagasawa, "On the Validity of Official Statistics," *Journal of Research in Crime and Delinquency*, 6 (1969), 71–77.
Cressey, Donald R., "The State of Criminal Statistics," *National Probation and Parole Journal*, 3 (1957), 230–241.
Crime and Its Impact: An Assessment, Task Force Report for the President's Commission on Law Enforcement and Administration of Justice, 1967.
Crime in the United States: Uniform Crime Reports, Federal Bureau of Investigation, Government Printing Office, Issued Annually.
Englemann, Hugo and Kirby Throckmorton, "Interaction Frequency and Crime Rates," *Wisconsin Sociologist*, 5 (1967), 33–36.
Geis, Gilbert, "Statistics Concerning Race and Crime," *Crime and Delinquency*, 11 (1965), 142–150.
Glaser, Daniel, "Released Offender Statistics: A Proposal for a National Program," *American Journal of Correction*, 19 (1957), 15–25.
Gottfredson, Don M., "Assessment and Prediction Methods in Crime and Delinquency," Appendix K in *Juvenile Delinquency and Youth Crime*, Gov't Printing Office, 1967.
Lejins, Peter P., "Uniform Crime Reports," *Michigan Law Review*, 64 (1966), 1011–1030.
Newman, Donald J., "The Effect of Accommodation in Justice Administration on Criminal Statistics," pp. 163-180 in Alvin Gouldner and S. M. Miller, *Applied Sociology*, Free Press, 1965.
Pittman, David J. and William F. Handy, "Uniform Crime Reporting: Suggested Improvements," pp. 180-188 in Alvin Gouldner and S. M. Miller, *Applied Sociology*, Free Press, 1965.
Price, J. E., "A Test of the Accuracy of Crime Statistics," *Social Problems*, 14 (1966), 214–222.
Robinson, Sophia M., "A Critical View of the Uniform Crime Reports," *Michigan Law Review*, 64 (1966), 1031–1054.
Science and Technology, Task Force Report to the President's Commission on Law Enforcement and Administration of Justice, 1967.
Sellin, Thorsten and Marvin E. Wolfgang, *The Measurement of Delinquency*, Wiley, 1964.

Shulman, Harry M., "The Measurement of Crime in the United States," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 483–492.

Wheeler, Stanton, "Criminal Statistics: A Reformulation of the Problem," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 317–324.

Wilkins, Leslie T., "New Thinking in Criminal Statistics," *Journal of Criminal Law, Criminology and Police Science*, 56 (1965), 277–284.

Wilkins, Leslie T., "Values and Variates—An Essay on the Relevance of Measurement to Morals and Value Judgments," pp. 133–155 in Marvin E. Wolfgang, ed., *Crime and Culture: Essays in Honor of Thorsten Sellin*, Wiley, 1968.

Wolfgang, Marvin E., "Uniform Crime Reports: A Critical Appraisal," *Univ. Pennsylvania Law Review*, 111 (1963), 708–738.

IV. Self Reports and Victimization Studies

Akers, Ronald L., "Socio-Economic Status and Delinquency," *Journal of Research in Crime and Delinquency*, 1 (1964), 38–46.

Arnold, William R., "Continuities in Research: Scaling Delinquent Behavior," *Social Problems*, 13 (1965), 59–66.

Belson, W. A., "The Extent of Stealing by London Boys and Some of Its Origins," *British Association for the Advancement of Science*, 25 (1968), 1–15.

Biderman, Albert D., *et al.*, *Report on a Pilot Study in the District of Columbia on Victimization and Attitudes toward Law Enforcement*, Govt. Printing Office, 1967.

Clark, John P. and Eugene P. Wenninger, "Socio-Economic Class and Area as Correlates of Illegal Behavior among Juveniles," *American Sociological Review*, 27 (1962), 826–834.

Clark, John P. and Larry L. Tifft, "Polygraph and Interview Validation of Self-Reported Deviant Behavior," *American Sociological Review*, 31 (1966), 516–523.

Criminal Victimization in Maricopa County, Institute for Local Self Government, Berkeley, 1969.

Dentler, Robert A. and Lawrence J. Monroe, "Social Correlates of Early Adolescent Theft," *American Sociological Review*, 26 (1961), 733–743.

Ennis, Philip, "Crime, Victims, and the Police," *Trans-Action*, 4 (1967), 36–44.

Ennis, Philip J., *Criminal Victimization in the United States: A Report on a National Survey*, Govt. Printing Office, 1967.

Erickson, Maynard and Lamar Empey, "Class Position, Peers, and Delinquency," *Sociology and Social Research*, April, 1965, 268–282.

Erickson, Maynard L. and Lamar T. Empey, "Court Records, Undetected Delinquency, and Decision-Making," *Journal of Criminal Law, Criminology and Police Science*, 54 (1963), 454–469.

Gold, Martin, *Status Forces in Delinquency Boys*, Univ. Michigan Press, 1963.

Gold, Martin, "Undetected Delinquent Behavior," *Journal of Research in Crime and Delinquency*, 3 (1966), 27–46.

Gould, Leroy C., "Who Defines Delinquency: A Comparison of Self-Reported and Officially-Reported Indices of Delinquency for Three Racial Groups," *Social Problems*, 16 (1969), 325–336.

Hardt, Robert and G. Bodine, *Development of Self-Report Instruments in Delinquency Research*, Syracuse University, 1965.

Hirschi, Travis, *Causes of Delinquency*, Univ. California Press, 1969.

Nye, F. Ivan and James F. Short, "Scaling Delinquent Behavior," *American Sociological Review*, 22 (1957), 326–331.

Nye, F. Ivan, *et al.*, "Socioeconomic Status and Delinquent Behavior," *American Journal of Sociology*, 63 (1958), 381–389.

Reiss, Albert J., *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Govt. Printing Office, 1967.

Reiss, Albert J. and Albert L. Rhodes, "The Distribution of Juvenile Delinquency in Social Class Structure," *American Sociological Review*, 26 (1961), 720–732.
Schafer, Stephen, *The Victim and His Criminal: A Study in Functional Responsibility*, Random House, 1968.
Short, James F. and Ivan F. Nye, "A Reported Behavior as a Criterion of Deviant Behavior," *Social Problems*, 5 (1957–8), 207–213.
Voss, Harwin L., "Socio-Economic Status and Reported Delinquent Behavior," *Social Problems*, 13 (1966), 314–324.

V. Organized Crime and White-Collar Offenses

Allsop, Kenneth, *The Bootleggers and Their Era*, Doubleday, 1961.
An Investigation of the Loan Shark Racket, New York State Commission of Investigation, 1965.
Aubert, Vilhelm, "White-Collar Crime and Social Structure," *American Journal of Sociology*, 58 (1952), 263–271.
Bates, Jerome E. and E. S. Zawadski, *Criminal Abortion: A Study in Medical Sociology*, Charles C. Thomas, 1964.
Bell, Daniel, "Crime as an American Way of Life," *Antioch Review*, 13, (1953), 131–154.
Clinard, Marshall B., *The Black Market*, Rinehart, Holt, 1952.
Cressey, Donald R., *Theft of the Nation: The Structure and Operations of Organized Crime in America*. Harper and Row, 1969.
Davids, Leo, "Penology and Corporate Crime," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 524–531.
Geis, Gilbert, "Violence and Organized Crime," *Annals of the American Academy of Political and Social Science*, 364 (1966), 86–95.
Geis, Gilbert, *White-Collar Criminal: The Offender in Business and the Professions*, Atherton, 1968.
Hartung, Frank E., "White-Collar Offenses in the Wholesale Meat Industry in Detroit," *American Journal of Sociology*. 55 (1950), 25–32.
Herling, John, *The Great Price Conspiracy: The Story of Antitrust Violations in the Electrical Industry*, Robert B. Luce, 1962.
Kennedy, Robert F., *The Enemy Within*, Harper and Row, 1960.
King, Rufus, *Gambling and Organized Crime*, Public Affairs Press, 1969.
Landesco, John, *Organized Crime in Chicago: Part III of the Illinois Crime Survey of 1929*, Univ. Chicago Press, 1968.
Lane, Robert E., *The Regulation of Businessmen*, Yale Univ. Press, 1954.
Lane, Robert E., "Why Businessmen Violate the Law," *Journal of Criminal Law, Criminology and Police Science*, 44 (1953), 151–165.
Maas, Peter, *The Valachi Papers*, G. P. Putnam's, 1968.
MacDonald, John, *Crime is a Business*, Stanford Univ. Press, 1940.
Morris, Norval and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, Univ. Chicago Press, 1970, ch. 8.
Organized Crime, Task Force Report for the President's Commission on Law Enforcement and Administration of Justice, 1967.
Quinney, Earl R., "Occupational Structure and Criminal Behavior: Prescription Violation by Retail Pharmacists," *Social Problems*, 11 (1963), 179–185.
Reichstein, Kenneth J., "Ambulance Chasing: A Case Study of Deviation and Control Within the Legal Profession," *Social Problems*, 13 (1965), 3–17.
Robin, Gerald D., "Employees as Offenders," *Journal of Research in Crime and Delinquency*, 6 (1969), 17–33.
Salerno, Ralph and John S. Tompkins, *The Crime Confederation*, 1970.
Schelling, Thomas C., "Economics and Criminal Enterprise," *The Public Interest*, 7 (1967), 61–78.
Schur, Edwin M., *Crimes without Victims*, Prentice-Hall, 1965.
Smith, Richard Austin, "The Incredible Electrical Conspiracy," *Fortune*, April, 1961, 132–218, and May, 1961, 161–224.

Sutherland, Edwin H., *White Collar Crime*, Hole, Rinehart, Winston, 1961.
Thornton, Robert Y., "Organized Crime in the Field of Prostitution," *Journal of Criminal Law, Criminology and Police Science*, 46 (1956), 775–779.
Tyler, Gus, ed., *Organized Crime in America*, Univ. Michigan Press, 1962.
Willet, T. C., *Criminal on the Road: A Study of Serious Motoring Offenses and Those Who Commit Them*, Javistock, 1964.

Theoretical Foundations in Crime and Corrections

I. General

Bordua, David J., "Some Comments on Theories of Group Delinquency," *Sociological Inquiry*, 32 (1962), 245–260.

Cohen, Albert K., *Deviance and Control*, Prentice-Hall, 1966.

Cohen, Albert K., "The Sociology of the Deviant Act," *American Sociological Review*, 30 (1965), 5–14.

Cohen, Albert K., "The Study of Social Disorganization and Deviant Behavior," Ch. 21 in R. K. Merton, et al., *Sociology Today*, Basic Books, 1959.

Ferdinand, Theodore N., *Typologies of Delinquency: A Critical Analysis*, Random House, 1966.

Matza, David, *Becoming Deviant*, Prentice-Hall, 1969.

Parsons, Talcott, *The Social System*, Free Press, 1951, ch. 7.

Shoham, Shlomo, *Crime and Social Deviation*, Henry Regnery, 1966.

II. Ecological Correlates of Criminal Behavior

Akers, Ronald L., "Socioeconomic Status and Delinquency Behavior: A Retest," *Journal of Research in Crime and Delinquency*, 1 (1964), 38–46.

Berg, Irving, "Economic Factors in Delinquency," Appendix O in *Juvenile Delinquency and Youth Crime*, Govt. Printing Office, 1967.

Boggs, Sarah, "Urban Crime Patterns," *American Sociological Review*, 30 (1965), 899–908.

Boskin, Joseph, "The Revolt of the Urban Ghetto: 1964–1967," *Annals of the American Academy of Political and Social Science*, 382 (1969), 1–14.

Chilton, Roland J., "Continuity in Delinquency Area Research: A Comparison of Studies of Baltimore, Detroit, and Indianapolis," *American Sociological Review*, 29 (1964), 71–83.

De Fleur, Lois B., "Ecological Variables in the Cross-Cultural Study of Delinquency," *Social Forces*, 45 (1967), 556-570.

Fleischer, Belton M., *The Economics of Delinquency*, Quadrangle, 1966.

Glaser, Daniel and K. Rice, "Crime, Age, and Unemployment," *American Sociological Review*, 24 (1959), 679–686.

Glueck, S. and Glueck, E., *Unraveling Juvenile Delinquency*, Commonwealth, 1950.

Kohn, Melvin, "Social Class and Parent-Child Relationships: An Interpretation," *American Journal of Sociology*, 68 (1963), 471-480.

Lander, Bernard, *Understanding Delinquency*, Columbia Univ. Press, 1954.

McKay, Henry D., "A Note on Trends in Rates of Delinquency in Certain Areas in Chicago," Appendix F in *Juvenile Delinquency and Youth Crime*, Govt. Printing Office, 1967.

McKay, Henry D. and Clifford Shaw, *Juvenile Delinquency and Urban Areas*, Univ. Chicago Press, 1969, ed.

Morris, Terrence, *The Criminal Area*, Kegan Paul, 1958.

Quinney, Richard, "Structural Characteristics, Population Areas, and Crime Rates in the United States," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 45–52.

Schmid, Calvin F., "Urban Crime Areas," *American Sociological Review*, 25 (1960), 527–542 and 655–678.

Sellin, Thorsten and Marvin E. Wolfgang, *Delinquency*, Wiley, 1969.

Slatin, Gerald T., "Ecological Analysis of Delinquency: Aggregation Effects," *American Sociological Review*, 34 (1969), 894–907.

Wilks, Judith A., "Ecological Correlates of Crime and Delinquency," pp. 138–156 in *Crime and Its Impact—An Assessment*, Govt. Printing Office, 1967.

Wilensky, Harold L. and C. N. Le Beau, *Industrial Society and Social Welfare*, Russell Sage, 1958.

III. Deprivation Theory

Allen, Harry E., *et al.*, "The Social and Bio-Medical Correlates of Sociopathy," *Criminologica*, 6 (1969), 68–75.

Baker, Bela O. and T. N. Sarbin, "Differential Mediation of Social Perception as a Correlate of Social Adjustment," *Sociometry*, 19 (1956), 69–83.

Eysenck, H. J., *Crime and Personality*, Houghton Mifflin, 1964.

Gibbens, T. C. N. and R. H. Ahrenfeldt, *Cultural Factors in Delinquency*, Tavistock, 1966.

Gough, Harrison, "A Sociological Theory of Psychopathy," *American Journal of Sociology*, 53 (1948), 359–366.

Gough, Harrison, "Theory and Measurement of Socialization," *Journal of Consulting Psychology*, 24 (1960), 23–30.

Jesness, Carl F., *The Jesness Inventory*, California Youth Authority Research Report No. 35, 1963.

McCord, W. and McCord, J., *Origins of Alcoholism*, Stanford Univ. Press, 1960.

Quay, Herbert C., *Juvenile Delinquency: Research and Theory*, Van Nostrand, 1965.

Redl, Fritz and D. Wineman, *The Aggressive Child*, Free Press, 1957.

Richard, Wayne C., *et. al.*, "Personality Traits and Attitudes of Adolescent Girls with Behavior Disorders," *Corrective Psychiatry and Journal of Social Therapy*, 15 (1969), 34–44.

Robins, Lee, *Deviant Children Grown up*, Williams and Wilkins, 1966.

Sarbin, Theodore and E. A. Wenk, "Resolution of Binocular Rivalry as a Means of Identifying Violence-Prone Offenders," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 345–350.

Slack, C. W., "Experimenter—Subject Psychotherapy: A New Method of Introducing Intensive Office Treatment for Unreachable Cases," *Mental Hygiene*, 44 (1960), 238–256.

Toch, Hans, *Violent Men: An Inquiry into the Psychology of Violence*, Aldine, 1969.

Waldo, Gordon P. and Simon Dinitz, "Personality Attributes of the Criminal: An Analysis of Research Studies, 1950–65," *Journal of Research in Crime and Delinquency*, 4 (1967), 185–202.

Wenk, Ernst A., *et. al.*, "The Resolution of Binocular Rivalry Among Assaultive and Non-Assaultive Youthful Offenders," *Journal of Research in Crime and Delinquency*, 5 (1968), 134–147.

Yablonsky, Lewis, *The Violent Gang*, Macmillan, 1962.

IV. Learning and Reinforcement Theory

Azrin, N. H. and D. F. Hake, "Conditioned Punishment," *Journal of the Experimental Analysis of Behavior*, 8 (1965), 279-293.

Azrin, N. H. and R. E. Ulrich, "Extinction-Induced Aggression," *Journal of the Experimental Analysis of Behavior*, 5 (1962), 5–11.

Bandura, Albert and R. Walters, *Social Learning and Personality Development*, Holt, Rinehart, Winston, 1963.

Bandura, Albert and C. Kupers, "Transmission of Patterns of Self-Reinforcement Through Modeling," *Journal of Abnormal and Social Psychology*, 69 (1964), 1–9.

Berkowitz, Leonard, "Film Violence and Subsequent Aggressive Tendencies," *Public Opinion Quarterly*, 27 (1963), 217–229.

Burchard, J. and V. Tyler, "The Modification of Delinquent Behavior Through Operant Conditioning," *Behavior Research and Therapy*, 2 (1965), 245–256.

Lachenmeyer, Charles W., "Systematic Socialization: Observations on a Programmed Environment for the Habitation of Antisocial Retardates," *Psychological Record*, 19 (1969), 247–258.

Lovaas, O. I., "Effect of Exposure to Symbolic Aggression on Aggressive Behavior," *Child Development*, 32 (1961), 37–44.

Sarason, Irwin G., "Verbal Learning, Modeling, and Juvenile Delinquency," *American Psychologist*, 23 (1968), 254–266.
Schwitzgebel, R., "A New Approach to Understanding Delinquency," *Federal Probation*, 2 (1960), 601–613.
Schwitzgebel, R. and D. Kolb, "Inducing Behavior Changes in Adolescent Delinquents," *Behavior Research and Therapy*, 1 (1964), 297–304.
Schwitzgebel, Ralph, *Street-Corner Research: An Experimental Approach to the Juvenile Delinquent*, Harvard Univ. Press, 1964.
Shah, Saleem, "Crime and Mental Illness: Some Problems in Defining and Labeling Deviant Behavior," *Mental Hygiene*, 53 (1969), 21–33.
Staats, Arthur W., *Learning, Language and Cognition*, Holt, Rinehart, Winston, 1968.
Wetzel, R., "Use of Behavioral Techniques in a Case of Compulsive Stealing," *Journal of Consulting Psychology*, 30 (1966), 367-374.
Zimberoff, Steven J., "Behavior Modification with Delinquents," *Correctional Psychologist*, 3 (1968), 11–25.

V. Theory of Differential Association

Burgess, Robert L. and Ronald L. Akers, "A Differential Association—Reinforcement Theory of Criminal Behavior," *Social Problems*, 14, (1966), 128–147.
Cohen, Albert K., Alfred Linesmith and Karl Schuessler, eds., *The Sutherland Papers*, Indiana Univ. Press, 1956.
Cressey, Donald R., *Delinquency, Crime and Differential Association*, Martinus Nijhoff, Hague, 1964.
Cressey, Donald R., "Epidemeology and Individual Conduct: A Case from Criminology," *Pacific Sociological Review*, 3 (1960), 47–58.
Cressey, Donald R., *Other People's Money*, Free Press, 1953.
Cressey, Donald R., "The Differential Association Theory and Compulsive Crimes," *Journal of Criminal Law and Criminology*, 45 (1954), 49–64.
Cressey, Donald R., "The Language of Set Theory and Differential Association," *Journal of Research in Crime and Delinquency*, 3 (1966), 22–26.
Cressey, Donald R., "Theoretical Foundations for Using Criminals in the Rehabilitation of Criminals," pp. 87–101 in *The Future of Imprisonment in a Free Society*, St. Leonard's House, Chicago, 1965.
DeFleur, Melvin L. and Richard Quinney, "A Reformulation of Sutherland's Differential Association Theory and a Strategy for Empirical Verification," *Journal of Research in Crime and Delinquency*, 3 (1966), 1–22.
Glaser, Daniel, "Criminality Theories and Behavioral Images," *American Journal of Sociology*, 61 (1956), 433-444.
Glaser, Daniel, "Differential Association and Criminological Prediction," *Social Problems*, 8 (1960), 6–14.
Gold, David, "On Description of Differential Association," *American Sociological Review*, 22 (1957), 448-450.
Jefferey, C. R., "Criminal Behavior and Learning Theory," *Journal of Criminal Law, Criminology and Police Science*, 54 (1965), 294–300.
McKey, Henry D., "Differential Association and Crime Prevention: Problems of Utilization," *Social Problems*, 8 (1960), 25–37.
Reiss, Albert J. and Albert L. Rhodes, "The Distribution of Delinquency and Social Class Structure," *American Sociological Review*, 26 (1961), 720–732.
Schrag, C. and Leroy C. Gould, "Theory Construction and Prediction in Juvenile Delinquency," *Proceedings of the American Statistical Association*, 1962, 68–73.
Short, James F., "Differential Association and Delinquency," *Social Problems*, 4 (1957), 233–239.
Short, James F., "Differential Association as a Hypothesis: Problems of Empirical Testing," *Social Problems*, 8 (1960), 14–25.
Short, James F., "Differential Association with Delinquent Friends and Delinquent Behavior," *Pacific Sociological Review*, 1 (1958), 20–25.

Sutherland, Edwin H. and Donald R. Cressey, *Principles of Criminology*, Lippincott, 1966, ch. 4.
Vold, George B., *Theoretical Criminology*, Oxford Univ. Press, 1958, 192-202.
Volkman, Rita and Donald R. Cressey, "Differential Association and the Rehabilitation of Drug Addicts," *American Journal of Sociology*, 69 (1963), 129–142.
Voss, Harwin, L., "Differential Association and Delinquent Behavior," *Social Problems*, 12 (1964), 78–85.
Weinberg, S. Kirson, "Personality and Method in the Differential Association Theory: Comments on 'A Reformulation of Sutherland's Differential Association Theory and a Strategy for Empirical Verification'," *Journal of Research in Crime and Delinquency*, 3 (1966), 165–172.

VI. Congruence Theory: Anomie and Stress

Bohlke, Robert H., "Social Mobility, Stratification Inconsistency and Middle Class Delinquency," *Social Problems*, 8 (1961), 351–363.
Bordua, David J., "Juvenile Delinquency and 'Anomie': An Attempt at Replication," *Social Problems*, 6 (1958–9), 230–238.
Clinard, Marshall B., *Anomie and Deviant Behavior*, Free Press, 1964.
Clinard, Marshall B., *Slums and Community Development: Experiments in Self-Help*, Free Press, 1966.
Cloward, Richard A. and Lloyd E. Ohlin, *Delinquency and Opportunity*, Free Press, 1960.
Cloward, Richard A., "Illegitimate Means, Anomie, and Deviant Behavior," *American Sociological Review*, 24 (1959), 164–176.
Cohen, Albert K., *Delinquent Boys*, Free Press, 1955.
Conger, John J. and W. C. Miller, *Personality, Social Class and Delinquency*, Wiley, 1966.
Durkheim, Emile, *Suicide*, Free Press, 1951.
Elliot, Delbert S., "Delinquency and Perceived Opportunity," *Sociological Inquiry*, 32 (1962), 216–234.
Elliot, Delbert S., "Delinquency, School Attendance and Dropout," *Social Problems*, 13 (1966), 307–314.
England, Ralph W., "A Theory of Middle Class Juvenile Delinquency," pp. 66–75 in Ruth S. Cavan, *Readings in Juvenile Delinquency*, Lippincott, 1964.
Gibbs, Jack P. and Walter T. Martin, *Status Integration and Suicide: A Sociological Study*, Univ. of Oregon. 1964.
Gould, Leroy C., "Juvenile Entrepreneurs," *American Journal of Sociology*, 74 (1969), 710–719.
Kobrin, Solomon, "The Conflict of Values in Delinquency Areas," *American Sociological Review*, 16 (1951), 653–661.
Maris, Peter and Martin Rein, *Dilemmas of Social Reform*, Atherton, 1967.
Merton, Robert K., "Social Structure and Anomie," pp. 131–160 in R. K. Merton, *Social Theory and Social Structure*, Free Press, 1957.
Palamore, Erdman B. and Phillip E. Hammond, "Interacting Factors in Juvenile Delinquency," *American Sociological Review*, 29 (1964), 848–854.
Powell, E. H., "Crime as a Function of Anomie," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 161–171.
Schrag, C., "Delinquency and Opportunity: Analysis of a Theory," *Sociology and Social Research*, 46 (1962), 167–175.
Stinchcombe, Arthur L., *Rebellion in High School*, Quadrangle, 1964.
Vaz, Edmund W., *Middle-Class Juvenile Delinquency*, Harper and Row, 1967.

VII. Theory of Deviant Subcultures

Cohen, Albert K., *Delinquent Boys*, Free Press, 1965.
Downes, David M., *The Delinquent Solution: A Study in Subcultural Theory*, Free Press, 1966.
Haskell, Martin, "Toward a Reference Group Theory of Juvenile Delinquency," *Social Problems*, 8 (1960–61), 220–230.

Keiser, R. L., *Hustler, The Autobiography of a Thief*, Doubleday, 1965.
Kitsuse, John I., and D. C. Dietrick, "Delinquent Boys: A Critique," *American Sociological Review*, 34 (1959), pp. 208–215.
Kvaraceus, William C., *Anxious Youth: Dynamics of Delinquency*, Merrill, 1966.
Lerman, Paul, "Argot, Symbolic Deviance ,and Subcultural Delinquency," *American Sociological Review*, 32 (1967), 209–224.
Miller, Walter B., "Lower Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues*, 14 (1958), 5–19.
O'Donnell, J., "The Rise and Decline of a Subculture," *Social Problems*, 15 (1967), 73–84.
Polsky, Ned, *Hustlers, Beats, and Others*, Aldine, 1967.
Sherif, Muzafer and C. W. Sherif, "Group Processes and Collective Interaction in Delinquent Activities," *Journal of Research in Crime and Delinquency*, 4 (1967), 43–62.
Sherif, Muzafer and C. W. Sherif, *Reference Groups: Exploration into Conformity and Deviation of Adolescents*, Harper and Row, 1964.
Spergel, Irving, *Racketville, Slumtown, Haulburg*, Univ. Chicago Press, 1964.
Wolfgang, Marvin E. and Franco Ferracuti, *The Subculture of Violence*, Barnes and Noble, 1967.

VIII. Containment Theory

Dinitz, Simon, *et al.*, "Delinquency Vulnerability: A Cross Group and Longitudinal Analysis," *American Sociological Review*, 27 (1962), 515–517.
Reckless, Walter C. and Simon Dinitz, "Pioneering with Self-Concept as a Vulnerability Factor in Delinquency," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 515–523.
Reckless, W. C., *et. al.*, "Self-Concept as an Insulator Against Delinquency," *American Sociological Review*, 21 (1956), 744–746.
Reckless, Walter C., *The Crime Problem*, Appleton-Century-Crofts, 1967, pp. 469–483.
Reckless, W. C., *et. al.*, "The Good Boy in a High Delinquency Area," *Journal of Criminal Law, Criminology and Police Science*, 48 (1957), 18–26.
Scarpitti, Frank, *et al.*, "The Good Boy in a High Delinquency Area: Four Years Later," *American Sociological Review*, 23 (1960), 555–558.

IX. Labeling Theory

Becker, Howard S., *Outsiders: Studies in the Sociology of Deviance*, Free Press, 1963.
Erikson, Kai T., "Notes on the Sociology of Deviance," pp. 9–21 in Howard S. Becker, *The Other Side*, Free Press, 1964.
Freidson, Eliot, "Disability as Social Deviance," pp. 71–99 in Marvin B. Sussman, Sociology and Rehabilitation. American Sociological Association, 1965.
Goffman, Erving, *Stigma*, Prentice-Hall, 1963.
Kitsuse, J. I., "Societal Reaction to Deviant Behavior: Problems of Theory and Method," *Social Problems*, 9 (1962), 247–256.
Lemert, Edwin M., *Human Deviance, Social Problems and Social Control*, Prentice-Hall, 1967, Ch. 1 and 3.
Lemert, Edwin M., *Social Pathology*, McGraw-Hill, 1951.
Maccoby, Eleanor, *et al.*, "Community Integration and the Social Control of Juvenile Delinquency," *Journal Social Issues*, 1958, 38–51.
Scheff, Thomas J., *Being Mentally Ill: A Sociological Theory*, Aldine, 1966.
Scheff, Thomas J., "Typification in the Diagnostic Practices of Rehabilitation Agencies," pp. 139–147 in Marvin B. Sussman, *Sociology and Rehabilitation*, American Sociological Association, 1965.
Tannenbaum, Frank, *Crime and the Community*, Ginn, 1938.
Turk, Austin T., *Criminality and the Legal Order*, Rand McNally, 1969.

X. Theory of Social Control

Bogue, Donald J., *Skid Row in American Cities*, Univ. Chicago, 1963.

Briar, Scott, and Irving Piliavin, "Delinquency, Situational Inducements and Commitment to Conformity," Social Problems, 13 (1965), 35–45.

Hirschi, Travis, *Causes of Delinquency*, Univ. California Press, 1969.

Jessor, Richard, *et al., Society, Personality and Deviant Behavior*, Holt, Rinehart, Winston, 1968.

Karacki, Larry and Jackson Toby, "The Uncommitted Adolescent: Candidate for Gang Socialization," *Sociological Inquiry*, 32 (1962), 203–215.

Lundberg, George A., *et al., Sociology*, Harper and Row, 1968, Ch. 17–18.

Martin, John M. and Joseph P. Fitzpatrick, *Delinquent Behavior*, Random House, 1964.

Matza, David, *Delinquency and Drift*, Wiley, 1964.

Matza, David and Gresham M. Sykes, "Juvenile Delinquency and Subterranean Values," *American Sociological Review*, 26 (1961), 712–719.

Nye, F. Ivan, *Family Relationships and Delinquent Behavior*, Wiley, 1958.

Polk, Kenneth, "Class, Strain and Rebellion Among Adolescents," *Social Problems*, 17 (1970), 214-224.

Reiss, Albert J., "Delinquency as Failure of Personal and Social Controls," *American Sociological Review*, 16 (1951), 196–207.

Reiss, Albert J., and Lewis Rhodes, "Status Deprivation and Delinquent Behavior," *Sociological Quarterly*, 4 (1963), 135–149.

Rhodes, A. Lewis and Albert J. Reiss, "Apathy, Truancy and Delinquency as Adaptations to School Failure," *Social Forces*, 48 (1969), 12–22.

Short, James F., "Gang Delinquency and Anomie," pp. 105–115 in Marshall B. Clinard, *Anomie and Deviant Behavior*, Free Press, 1964.

Short, James F. and Fred L. Strodtbeck, *Group Process and Gang Delinquency*, Univ. Chicago Press, 1965.

Sykes, Gresham M. and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review*, 22 (1957), 664–670.

Toby, Jackson, "Hoodlum or Businessman: A Dilemma," pp. 542–550 in Marshall Sklare, ed., *The Jews*, Free Press, 1958.

Toby, Jackson, "Social Disorganization and Stake in Conformity: Complementary Factors in the Predatory Behavior of Hoodlums," *Journal of Criminal Law, Criminology and Police Science*, 48 (1957), 12–17.

III PROCEDURES

Chapter Five: Law Enforcement and the Police

The Social Context of Crime Control

The police are often the most visible symbols of the political establishment. They are therefore the frequent targets of public protest and invective. And it has always been this way. For example, a hundred and fifty years ago, when the first metropolitan police forces were organized, it was commonly assumed that public police agencies are alien to a democratic society, and that law enforcement is primarily the responsibility of the people, not the government. Leading citizens contended that if there ever comes a time when a paid professional police force exists in American cities, it will be the end of freedom and democracy (Watson, 1965, p. 107).

Despite the aversion to public law enforcement, the organization of full-time police agencies was made inevitable by the increasing size, density, and heterogeneity of the urban population. Beginning with the second quarter of the 19th century, police organizations were established in Philadelphia, Boston, New York, and other cities. The police were tolerated then, as they are now, because of the need for continuous law enforcement and the inability of volunteer workers to maintain social order.

Initially the police were more involved in maintaining order than in catching criminals. They handled riots and civil disturbances; they inspected butchers, bakers, and other vendors; they regulated street sanitation, refuse disposal, health hazards, explosives, and the like; they provided food and fuel for needy families, obtained shelter for the homeless, and found domestic jobs for girls they believed could be lured away from a life of prostitution. Such a policy of public service tended to mitigate the feelings of hostility against the police. But the policy was soon curtailed because of the complaints of charitable organizations which alleged that the police were incompetent to differentiate between deserving and undeserving beneficiaries. One of the consequences of these objections was the proliferation and increasing specialization of welfare agencies.

The metropolitan police were not in the beginning required to investigate criminal offenses. Instead, the victim of a crime was

expected to carry on an investigation, to find and pay informants, and to identify the guilty party. Once the offender was located, the police could be employed to help take him into custody. Since the victims were often mainly concerned with restitution, they rewarded the police for any assistance received in locating stolen goods and the like. Officers with a thorough knowledge of the haunts and habits of criminals were therefore at an advantage in earning compensation from victimized individuals. This facilitated the development of specalized roles within the field of law enforcement. However, the practice of paying officers for favors rendered, or for those anticipated, made the police especially attentive to the interests of the propertied classes. This no doubt encouraged some of the symbiotic relationships that are today regarded as inimical to effective crime control.

The shift in emphasis from order maintenance to crime control, particularly the control of street crime, is largely the result of social changes that occurred in the 20th century. Some of these changes tended to narrow the focus of police activity. As already indicated, numerous services formerly provided by the police—especially in fields related to health, financial assistance, and welfare—were taken over by other agencies, resulting in the professionalization of social work and the disavowal by many police administrators of any responsibilities in these areas. Perhaps the public's negative attitude towards law enforcement may be partly explained by this separation of supportive services from crime control. If so, the acknowledgment and advertising of social services routinely provided by the police today may help to alleviate this problem.

Other restrictions on the police role involve the development of special regulative agencies and noncriminal procedures for dealing with the more genteel offenses, especially those committed by individuals as representatives of corporations and other institutions. Included among these offenses are fraudulent advertising, consumer exploitation, monopoly and restraint of trade, financial conspiracy, tax evasion, usury, bribery, political corruption, and many other illicit practices. The mechanisms for controlling these activities are mainly diversions from the traditional system of justice. Accordingly, such offenses have been largely removed from the domain of the uniformed officer, presumably leaving him more free to concentrate on acts of violence and other street crimes. Again it seems that an expansion of the police role to include the enforcement of all criminal laws, although this would add greatly to the police task, may help to improve relations between the police and the community, especially the members of the lower classes.

Still other influences tending to limit the scope of police activity

are certain trends regarding the enforcement of unpopular laws. Unpopular legislation is often based on middle class conceptions of morality which are in conflict with prevailing patterns of behavior. Prohibition of liquor is a good example. Initially it expanded the role of the police. But the failure of law enforcement in this case seems to have lessened somewhat the extent of police involvement in the sanctioning of private morality. This trend, if continued, will have an important influence on the definition and control of crime.

The history of prohibition indicates what is likely to happen when laws are at odds with public behavior. Legal restrictions against the sale or consumption of intoxicating liquor encouraged the police to initiate criminal procedures on their own authority, irrespective of citizen complaints or attitudes. In spite of the police efforts, however, the public's use of liquor continued unabated. A dilemma was thereby created, forcing the police to choose between a policy of tolerance, which involved their complicity in circumventions of the law, and a policy of unilateral enforcement, which alienated large segments of the community and threatened a public conspiracy against the agents of authority. In this dilemma, of course, illegal tolerance soon gained the upper hand.

The disorganizing effects of tolerance policies made a mockery of American law enforcement. Congress therefore in 1929 established the National Commission on Law Observance and Enforcement, which produced the comprehensive Wickersham report covering crime causation, criminal statistics, police, courts, and correctional institutions. The report was a harsh indictment of the justice system. It contended that the police are poorly trained, that law enforcement agencies have too few resources to do their job, and that they are dominated by political authorities who seek special favors and are not interested in the full enforcement of the law. Concerning prohibition, the Wickersham report nevertheless reflected the ambivalent attitudes of the time, arguing that the laws were unenforceable but failing to advocate their repeal. Little came of the report. Its main virtue, perhaps, is that it served as a forum for public discussion and analysis of the system of justice. The same thing, incidentally, is true of the reports of many more recent commissions.

In the end prohibition indeed proved unenforceable. Before its abandonment in 1933, however, it may have done more than anything else in American history to corrupt the police and to destroy respect for the law. By fostering an alliance among criminals, citizens, and public officials—an alliance that thrives long after prohibition was repealed—it promoted the growth of organized crime and other forms of criminal-political collusion.

After the repeal of prohibition, such alliances, having found it

profitable to maintain unpopular laws and to perpetuate the myth of their enforcement, simply shifted their energies to gambling, prostitution, drugs, abortion, labor racketeering, government contracts, and other areas of activity. Organized crime fluorishes wherever discrepancies occur between normative prescriptions and persistent social practices. Its *modus operandi* remains the same as in the prohibition era, except that the alliances may tend to become increasingly secretive, better organized, and therefore more difficult for society to control.

One of the things prohibition tells us, then, is that demands for more strenuous law enforcement are not always in the public interest. Whenever the law reaches too deeply into areas of private morality, the corruption of enforcement procedures seems almost inevitable. Concern over corruption is no doubt one of the elements involved in current revisions of legislation dealing with abortion, gambling, marihuana, and other moral issues. The effect is to legalize some activities that had previously been contrary to law.

Although police effort may be diminished in certain areas, as suggested above, most social changes favor the continued expansion of law enforcement agencies. Criminogenic influences in the American way of life include numerous instruments and devices that are used primarily for legitimate purposes. Automobiles and airplanes, for instance, not only assist law violators in avoiding apprehension, but they also encourage teamwork that gives the offenders an advantage over local authorities who have to operate under jurisdictional constraints. Similarly, the depression stimulated a number of criminal innovations, such as kidnapping, bank robberies, and the escapades of bandit gangs that organized illegal activities on a regional basis. Wars, too, seem to countenance some relaxation of moral restraints, to sustain black markets and other kinds of illicit profiteering, and to undermine faith in democracy by their inequitable distribution of costs and profits. Moreover, criminal laws are being multiplied so that a police officer may need to be acquainted with fifteen or twenty thousand different pieces of legislation. Even changes in the composition of the population are significant, since the greatest relative increases are among the age categories, social classes, and ethnic minorities having the highest crime rates.

Another factor in the growth of law enforcement is the increasing affluence of American society. The production of goods and services has grown much more rapidly than the crime rate. Such productivity no doubt creates greater opportunities for criminal behavior. It may also tend to motivate crime by enhancing people's sensitivity to inequities in the allocation of social rewards. Related to affluence are the mechanization of crime, which multiplies its

social impact, and the consequent augmentation of police personnel and technology, which magnifies crime's visibility. In addition, both crime and police work are largely self-sustaining systems having traditions and other devices of pattern maintenance which counteract any pressures for their diminution.

The most salient influences, however, are those related to urbanization. Urbanization is associated with disparities in wealth and power, growing interdependence among people, overcrowding, poverty, disease and malnutrition, neighborhood deterioration, cultural heterogeneity, mobility, anonymity, and many other criminogenic forces. It is in our large cities, therefore, that serious crimes such as murder, rape, robbery, aggravated assault, burglary, larceny and auto theft are mainly concentrated. In cities having more than 250,000 inhabitants, for example, these offenses are reported at a rate of about 4500 cases per 100,000 residents each year. This is nearly six times as great as the rate in rural areas (*Uniform Crime Reports*, 1968). As a consequence, the expansion of police services is mainly an urban phenomenon.

Proliferation of Agencies and Scarcity of Personnel

Today there are more than 40,000 public law enforcement organizations in the United States, employing around 450,000 workers, and having a combined annual budget of well over $3,000,000,000. These agencies serve five levels of government.

1. Among the federal agencies are the Bureau of Investigation and the Border Patrol (Department of Justice), the Bureau of Postal Inspectors (Post Office), the Secret Service, Internal Revenue Service, Alcohol Tax Unit, Bureau of Customs, Bureau of Narcotics, and Coast Guard (Treasury Department), and agencies dealing with passport and extradition (State Department), forest preservation (National Park Service), plant and animal quarantine (Agriculture Department), and epidemic diseases (Public Health Service).

Federal agencies enforce national statutes dealing primarily with interstate violations, offenses on federal property, theft of federal property, postal violations, counterfeiting, narcotics traffic, taxation matters, and certain regulations aimed at consumer protection. Marshals are also employed in transporting federal offenders, maintaining order in federal courtrooms, or handling subpoena, summons, and related services. Several agencies, especially the FBI, provide information, training, intelligence and laboratory services for local police departments. There has been a trend towards increasing the authority of federal agencies in handling cases of auto theft, kidnapping, organized crime, riot, and campus revolt.

2. There are fifty State police, highway patrols, or criminal investigation agencies. In about a third of the States these agencies have authority to enforce all State laws, even though they do not ordinarily investigate crimes in municipalities except by local request. Many State police have developed information and identification systems, laboratories, training facilities, and communication services in an effort to assist local authorities in handling the increasingly mobile lawbreaker. In some rural areas State police seem to be replacing the outmoded sheriff and constable systems.

3. Sheriffs, deputies, and affiliated agents are found in more than 3,000 counties. These normally have responsibility for investigating and apprehending criminals in the less populated areas. Their functions are not restricted to law enforcement and include keeping the peace, executing civil as well as criminal procedures, patrolling the area, maintaining jails and detention facilities, enforcing court orders, and a variety of other services.

4. Police departments exist in 1,000 cities and more than 20,000 towns. These are mainly responsible for crime control and order maintenance in the more densely populated areas where law violations are ordinarily most prevalent.

5. There are small police forces in some 15,000 boroughs, villages, and incorporated places.

Other public agencies are found in the District of Columbia and in a number of special service districts that are designed to protect parks, housing developments, bridges, tunnels, subways, toll roads, seaways, ports, and the like. Some of these are under local supervision, while others have jurisdiction extending beyond the traditional political boundaries. New York City's traffic police, for example, operate wholly within its police department, whereas the police of the Port of New York have interstate jurisdiction overlapping the boundaries of New York City, Jersey City, and Newark.

There is also a growing need for international cooperation in law enforcement. As early as 1923 the International Criminal Police Commission, known as INTERPOL, was established. With a current membership of 55 nations, INTERPOL serves as a clearinghouse for records and information. It also conducts criminal investigations and apprehends offenders for the participating countries (Cramer, 1964). Recent airplane hijackings, political abductions, and other offenses having international significance may further the development of such organizations.

Not to be overlooked are the private police and detective agencies which have more investigators than are employed at all levels of government, possibly as many as 800,000. The big three in the

private field are Wackenhut Corporation, William J. Burns, and Pinkerton's detective agencies. The latter is reported to have 23,000 employees, not much less than the total number of federal law enforcement officials.

Although the private agencies are used chiefly by industries, business firms, and selected families, there is also some precedent for their involvement in protecting the general public. Perhaps the best illustration is found in the State of Florida, where a privately financed police service, headed by George Wackenhut, was employed in the fight against organized crime.

Florida's program was met with much controversy, since American governments have assiduously eschewed the use of private police. Special points of criticism are the possibility of conflicting interests among the private workers, the limited visibility of their activities, the problem of official supervision and control, and the lack of protection against illegal infringements on individual rights. By contrast, the program's main appeal is found in the promise that privately financed police can provide better law enforcement at less cost to the community. But this argument is hardly convincing if better enforcement means more arrests and increased public expenditures for detention, trial, and correction. Some observers also consider it unrealistic for people to assume that the firms and individuals making financial contributions towards the employment of private police will not expect economic favors from the State in return. If no such returns were expected, it is not clear why the contributors should oppose an increase in taxation, approximating the amount of their contributions, aimed at improving the public system of law enforcement.

Traditionally, the private police have served highly specialized functions, leaving the main burden of general law enforcement to the government. Although vested interests are often willing to pay for improvements that benefit themselves, there is a problem in funding improvements that benefit the entire community. This suggests that reform in the field of law enforcement is inevitably related to other governmental reforms.

The alternative to private police, of course, is improved public protection. However, there is little prospect that any pronounced improvement in State and local services can be made without an increase in public expense. The fact is that many places are lacking even a minimum level of police protection. To maintain law and order in a society of more than 200 million residents, about 450 thousand police police workers are employed, approximately 75 percent by cities and other urban areas; 10 percent by State agencies, 9 percent by counties, and 6 percent by the federal government. For the entire country there is a ratio of slightly more

than 2 officers for every 1,000 inhabitants. This ratio has been increasing steadily for the past decade, with a decided upsurge in the last two or three years. Table 5.1 shows the distribution of police workers in cities and counties classified by size and location (*Uniform Crime Reports*, 1969).

In general, the larger the community the greater the proportion of police workers. Hence the bulk of our police effort is expended in the crime-ridden metropolitan areas. Nearly one-third of our police personnel are employed in 55 cities, each having a population of over a quarter million. Here the average ratio of officers per thousand residents is 2.9 almost twice the average for cities with less than 100,000 residents. Accordingly, the average per capita cost of law enforcement in cities of a million residents is more than three times as great as in cities of less than 50,000.

Regional variations are also noteworthy. For example, the ratio of officers per thousand population ranges from highs of 4.4 in New England and 3.6 in the middle Atlantic States to a low of 1.6 in the South Central area. Cities exceeding a population of 250,000 have a ratio of 4.7 in New England, compared with 1.7 in the South Central states. By contrast, cities with less than 10,000 inhabitants have a ratio of 2.0 in the South Atlantic and the Pacific regions, considerably more than New England's 1.3. Where urbanization is most advanced, the police tend to be concentrated in the metropolitan centers, while their distribution is relatively uniform in the more rural areas.

Even greater variations are revealed if we examine individual communities instead of regional or national averages. Only 200 out of more than 3,000 counties have as many as 50 officers. The number ranges from a single officer in Putnam county, Georgia, to more than 5,500 in Los Angeles county. Similar differences occur in city departments. New York City's police force of more than 30,000 is the largest. Chicago has nearly 12,000. However, its metropolitan area includes 119 communities that employ a total of around 2,000 officers, less than 17 on the average.

Large and well-manned departments are the exception. The vast majority of our police forces are too small to provide efficient service. If an agency does nothing except apprehend lawbreakers, it still must provide a minimum of three distinctive functions: communication, surveillance, and detection. To receive reports of offenses, it needs a communications desk; to furnish routine surveillance, it needs a patrol unit; to investigate criminal cases and prepare them for trial, it needs a detective staff. Let us imagine that only one staff position is assigned to each of these functions, and that officers are versatile enough to fill any of these positions when necessary. Then by assuming a 40 hour work week, making

Table 5.1 Number of Police Workers per Thousand Population, by Region and City Size, 1968.

Region	Size of City					
	Over 250,000	100,000 to 250,000	50,000 to 100,000	25,000 to 50,000	10,000 to 25,000	Under 10,000
National average	2.9	1.8	1.6	1.5	1.5	1.6
New England	4.7	2.5	2.0	1.8	1.4	1.3
Middle Atlantic	4.0	2.2	1.7	1.7	1.5	1.5
East North Central	3.0	1.6	1.4	1.4	1.4	1.6
West North Central	2.3	1.5	1.3	1.2	1.4	1.5
South Atlantic	3.2	1.7	1.9	1.8	1.8	2.0
East South Central	1.7	1.8	1.9	1.6	1.5	1.8
West South Central	1.7	1.5	1.2	1.3	1.3	1.5
Mountain	1.9	1.7	1.4	1.4	1.4	1.7
Pacific	2.3	1.7	1.5	1.6	1.7	2.0

National average for suburban communities: 1.5
National average for county departments: 1.1

Source: *Uniform Crime Report*, 1969. Estimates based on 3,812 cities with a combined population of 115,185,000 and employing 240,275 officers.

allowances for vacation and sick leave, and counting a single administrative head, we find that the agency needs a complement of 15 employees to fill the three positions on a continuous basis.

If the service area is of any size, more positions are required for each function, and the number of employees is multiplied accordingly. Nor have we considered the numerous additional positions necessary for traffic control, staff training, community relations, equipment maintenance, records and information, or the various other administrative and regulative functions expected of a modern police department. The latter often comprise more than half of the positions filled in the larger agencies.

Small departments obviously operate under a serious handicap. Yet most departments have fewer than 15 workers. The preponderance of small departments is illustrated by the following data from a Western State:

1. Of the State's 38 counties, 23 have police forces of less than 15 members. Four counties have three officers or less.
2. Eight cities with 30,000 to 600,000 residents have police forces ranging in size from 50 to 1100.
3. There are 24 cities with from 10,000 to 30,000 inhabitants. These employ from 14 to 50 officers.
4. Among the 135 cities with less than 10,000 residents, all except one have a police force of less than 15 members. Nearly 55 percent of these communities, 72 in number, have three officers or less.

In sum, there are 205 city and county agencies in the State. Of these, 159 employ less than 15 officers, including 76 that have less than 4. A considerably greater proportion of small departments is found in many other States. The average size of all police agencies in the country is less than 12, and it is estimated that 85 percent of them have fewer than 4 officers.

The importance of adequate personnel is reflected in many ways. Sometimes crime can be curbed, at least temporarily, by simply increasing the number of officers in a troublesome area and saturating it with surveillance. One of many examples is a project carried out in East Harlem a number of years ago (Dougherty, 1964). All staff positions were strengthened—especially the foot patrol, which was nearly tripled. Within a year the number of reported felonies was reduced by more than 50 percent. At the same time the proportion of offenses cleared by arrest was increased threefold. Even more dramatic was the 70 percent decrease in stickups, muggings, and other kinds of robberies. The project's impact was achieved, in the main, by increasing the visibility of the patrolmen and greatly strengthening their supportive services.

Prospects for the Consolidation of Small Agencies

Evidence such as that cited above suggests the consolidation of small police agencies. Large agencies, by providing a wider range of job specializations and better opportunities for advancement, are not only more efficient but also more attractive to career employees. This is important in the recruitment of trained personnel. The advantages of consolidation, however, are not restricted to staff size, specialization, and selectivity. When a number of small departments are integrated, it enables officers to work outside the confines of local political boundaries, thereby giving them an edge in criminal surveillance and investigation. It encourages more uniform policies, more visible procedures, more effective use of service organizations and volunteer workers, and perhaps reduces the influence of vested interests. By centralizing police records, information systems, budget planning, accounting, purchasing, and equipment maintenance, it facilitates administrative efficiency and greatly reduces the cost of certain operations. It affords easier access to crime laboratories, computers, communication devices, and other technical apparatus too expensive for most small departments. Recruit and in-service training programs, promotion by examination, and lateral entry of professional workers at high levels of staff are likewise found mainly in the larger agencies. If we concede the desirability of professional law enforcement, these are some of the ways in which professionalization may be approached.

One of the models for consolidation is found in England, where agencies employing fewer than one hundred officers have been outlawed by the national government. Minimum standards covering most of the above items were established for local agencies. Agencies meeting the standards are heavily subsidized out of the national treasury. British authorities contend that a police force as small as 350 can be justified only in special circumstances, and efforts are being made to raise the minimum size to 500 (Royal Commission, 1962). If such a minimum were established in the United States, it would reduce the number of police agencies from more than 40,000 to 1,000 or so.

In spite of the apparent advantages, recommendations for consolidating some of the American forces have met strong opposition. Many years ago the Hoover commission, for example, urged the integration of several federal agencies which have overlapping jurisdiction, and more recent attempts were made to consolidate branches of the national government, particularly those dealing with narcotics control. But such efforts have been resisted by the agencies involved. Bureaucratic loyalties within governmental

units and traditional rivalries between them make reorganization difficult unless it has overwhelming public support.

Public support for police consolidation has frequently been lacking. Indeed there is evidence that many people are fearful of the concentration of police authority. Close-knit rural and suburban communities, especially, tend to distrust the impersonal power of a remotely controlled police department, their fears no doubt aggravated by historical precedents of despotic powers ruling the masses of citizens by force and violence. If the rule of law is any protection against autocracy, however, the size of the police force and the area of its jurisdiction may be less significant than several other factors. Among these are the extent to which the laws reflect the people's concerns, the degree of police responsiveness to the public's needs and interests, and the amount of police commitment to professional standards of objectivity, fairness, and integrity.

Democratic values are not necessarily strengthened by decentralized, locally controlled police departments. Actually, the effect of local control is often to widen the gap between policies and practices. It has been commonly observed that national policies on civil rights and related matters are translated into practices in a piecemeal and tardy fashion. Some reasons for this spotty performance are objectionable law enforcement procedures, including jailing offenders without access to bail or without a prompt court hearing, the practice of investigative arrests, illegal methods of interrogation, and denial of the citizen's right to avoid testifying against himself or to confront his accusers and cross-examine them.

Although some of the courts, charged as they are with the protection of constitutional rights, have recently ruled against these procedures, the officer on the beat may be less interested in legal issues than in satisfying the demands of local leaders. Where satisfying these demands means preserving the special prerogatives and immunities of influential persons, there may be little inclination to do anything about discriminatory practices against ethnic minorities, strangers, and other disadvantaged groups. In such cases the police, instead of serving society, are the puppets of vested interests.

To serve the community effectively, the police need both adequate resources and protection from political interference. In both respects the advantage seems to be with the larger professionally managed departments. These are some of the reasons why consolidation has occurred in a considerable amount, even though it has not been attended by much fanfare. For example, the State of Connecticut assumes contractual responsibility for law enforce-

ment in small communities that cannot afford an adequate police agency. More often the county contracts to furnish police services for villages or towns, as in the counties of Los Angeles (California), Nassau and Suffolk (New York), and Dade (Florida). In addition, several metropolitan areas are moving towards the consolidation of city and county forces. Among these are Nashville, Atlanta, and Philadelphia. Such trends are likely to be considerably expanded.

Contradictory Models of Law Enforcement

The field of law enforcement is disorganized and fails to meet the requirements of a viable social system. It is capable neither of achieving its objectives nor of pursuing them in an organized manner. In fact it is confused about its objectives. For example, the traditional model of arrest → conviction → punishment is denied by evidence that most law violations remain unreported, most of those reported remain unsolved, and most of those solved remain unpunished. Furthermore, when punishment does occur, there are frequently so many delays and digressions that its connection with any specific criminal act is more of a philosophical than a psychological reality.

Indeed, a better method of disassociating crime and punishment is hard to imagine—that is, unless we entertain the possibility of random punshments. And while random techniques are sometimes employed in police patrols or other phases of law enforcement, their use in the determination of guilt or in the assignment of treatment strategies is severely limited. It therefore appears that we have a choice between two major alternatives. We can revise the system of justice and make it conform to the traditional model, or we can construct a new model of law enforcement, perhaps one more capable of implementation.

Actually, tentative steps are being taken in both of these directions, sometimes confusing and delaying the choices that need to be made. Although the traditional model is endorsed by a large segment of the population, its greatest threat may come from protagonists instead of adversaries. Evidence that its full implementation is opposed by many endorsers—including prominent citizens, public officials, and a variety of vested interests—is furnished by frequent demands for preferential treatment and for other forms of nonenforcement. Such demands, moreover, have powerful ideological support.

Ideological support for the avoidance of punitive sanctions is found, for instance, in the moralistic assumption that people, on the whole, can be categorized as good or bad. In this popular two-valued view, criminals are not merely law violators. They are bad

men, permanently and naturally bad. Having no intention or desire to do what is right, they remain bad regardless of any attempt to rehabilitate them. Good men, by contrast, are seen as natural conformists. They respect the law, resist temptation, and retain a clear conscience. While capable of making a mistake, they can do no serious wrong, at least not intentionally. One of the ironical results of this view, then, is that the character of the actor, rather than the act committed or its consequences, is what separates criminals from law abiding persons, including some who may have violated the law on occasion.

Obviously, this moralistic thesis suggests the differential treatment of law violators. Stigmatization and severe punishment are commonly advocated for the confirmed criminal, whereas leniency may be deemed more appropriate for the normally law abiding law violator. In the public view, therefore, one of the primary tasks of the police is to distinguish between criminals and noncriminal lawbreakers.

In spite of the distinction's commonsense appeal, however, it is the source of many law enforcement problems. Problems arise because the police tend to see things differently from the man on the street. As a result of their training and their statutory obligations, most police officers are seemingly committed to a more legalistic conception of crime. Their main function, as they see the traditional model, is to enforce the law. And enforcement means differentiating only between violators and nonviolators. Hence the official view stated in manuals of police policy is that lawbreakers are to be punished, whether respected citizens or not. Furthermore, the degree of punishment should correspond to the severity of the offense.

Policies, however, are only prescriptive ideals serving as official guides to action. Their implementation is influenced by considerations of expediency and practicality. When divergence occurs between policy and practices, it is usually the policy that receives the verbal support of the authorities, while the practices are defended mainly by making reference to extenuating circumstances. This is why officers are prone to deny the exercise of discretion in bringing offenders to justice, and why punishment, even though it rarely occurs in practice, is endorsed as a matter of policy. For officers to argue otherwise is contrary to their view of the model of law enforcement.

Accordingly, any offenders who escape the prescribed punitive sanctions are likely to be seen by the police as cheating the system of justice. Persons recognized as cheaters are sometimes subjected to intensive surveillance or to other forms of "street justice" that are administered by the police in response to the failure of crimi-

nal courts to convict the guilty. Street methods are often regarded as warranted reactions to perceived miscarriages of justice in the judicial system. This may be why persons who have escaped conviction for a prior criminal charge have such a high probability of being arrested again (*Uniform Crime Reports*, 1969).

However, the same methods of street justice, when observed by individuals committed to other viewpoints, may be interpreted as violations of common decency or the hounding of innocent citizens. Yet people are not generally allied with the courts and the law in opposition to the police. Their lack of support for law enforcement extends to the courts and to many laws as well. Demands for clemency in the treatment of law violators are frequently made in recognition of the law's inflexibility and its inclination to stigmatize all offenders as criminals. Conversely, the law fails to take cognizance of various activities that are commonly considered unconscionable. At issue, then, is the conflict between moral and legal conceptions of crime. In the moral view of things, not all violators are criminals, nor are all criminals technically in violation of the law.

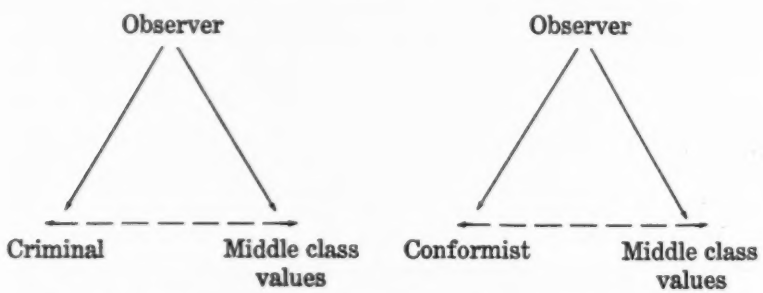
If public support is essential to crime control, it seems imperative that steps be taken to resolve the conflict between laws and morals, between formal and informal norms, between precepts and practices. The problem is partly one of reconciling the interests of law makers, enforcers, and the public at large. However, there are important reasons why little has been done along these lines, some of them having only an indirect connection with the realities of crime and deviant behavior.

For example, many persons find satisfaction in the belief that criminals and other immoral individuals present the main threat to basic social values. By providing a simple two-valued orientation towards human behavior, this belief focuses attention on gross differences and requires few sophisticated judgments or discriminating decisions; by portraying humanity in terms of polarized factions, it justifies a wary regard for strangers and holds bad people to blame for most of the world's ills; and by directing the community's frustrations and aggressions against a small band of outcasts, it legitimates their condemnation, ostracism, and punishment. These are some of the foundations of the traditional approach to crime and other social problems.

Such beliefs offer plausible answers to innumerable questions. Although some of the answers may tend to oversimplify social issues and to be of limited utility in managing human affairs, they have the advantage of supporting conventional views, insulating against social change and innovation, and protecting their adherents from the sometimes painful and costly processes of

objective inquiry. Even more important, they maintain a cognitive balance among many observers who object to more complicated and tedious approaches (See congruence theories in chapter 3). The balanced states are illustrated in the following figures.

Table 5.2 Observers' Perceptions of Criminals and Conformists.



Here balance implies that some law violators may be no serious threat to the social order. Toleration of minor violations is the rule, in many rural areas where officials are expected to handle the offenders with discretion, disposing of many cases informally and making spare use of court trials or other official procedures. Even in urban communities, however, resistance against official sanctions is especially strong among the friends and associates of middle class offenders. Hence there is a problem in identifying the "real" criminal, whether guilty of legal infractions or not.

Violent offenders—who are incidentally among the best prospects for rehabilitation—and persons involved in street crimes are nearly universally condemned, but other prime targets of public invective are hippies, radicals, rebels, and people who are simply "no good." In the language of control theory (chapter 4), the moralists' objectives are those of tension management and pattern maintenance. Generally, the community's attitude towards deviant actors is therefore more influenced by the perceived threat to the social order than by the fact of a law violation or the official sanctions that may result.

Police officers and others attached to the legalistic view may also maintain a balanced cognitive state. This is shown by substituting, in the figures above, the terms "violator" and "non-violator" for "criminal" and "conformist," respectively. However, balance in this case implies the imposition of official sanctions against all offenders, not only the "real" criminals. Punitive goals are given more emphasis than pattern maintenance.

Accordingly, many police officers are inclined to argue that to condone any kind of illegal behavior is to encourage disorder and

disrespect for the law. Even more reprehensible, of course, is the laxity of officials who are sworn to uphold the law. The police are likewise opposed to public policies that acknowledge the toleration of unlawful activities. Amounting to legislation by illicit means, such policies are frequently regarded as an abrogation of police authority.

These are perhaps some of the reasons why the police are often antagonistic towards liberals and why their own political organizations have espoused the cause of conservatism. It is ironic, in view of these attitudes, that the police are involved in more diversions from the traditional arrest → conviction → punishment model than are any of the other agencies in the system of justice.

Organizational Problems

The systematic nonrecognition of law violations, often in return for financial rewards, is quite common, especially in the fields of gambling, vice, and related activities. Tolerance policies protect some of the most profitable criminal activities. Some of these activities are considered innocuous. To illustrate, four bingo parlors in a Western city of a half million residents had a gross income of more than $350,000 in 1968, according to local press reports. Jackpots and other prizes, listed as expenses, amounted to less than $3,000. Other expenses included salaries amounting to more than $40,000 for each of the operators. Of course, the various contributions made to political officials should also be counted as expenses. Still, it seems that this business, small by comparison with most organized crime, returned a considerable profit.

Exposure of the political contributions resulted in a grand jury investigation of police corruption. Eventually the chief of police retired and an assistant chief, along with a number of officers of lower rank, were convicted of accepting bribes and other criminal offenses. Despite the plentiful publicity that attended these actions, few informed citizens are convinced that the threat of a pay-off system has been eliminated.

One of the problems is the inadequate organization of many police departments. Table 5.3, for example, shows a typical departmental organization, with a chief, an assistant chief, and eleven separate divisions reporting to these administrative heads. Aside from the lack of coherence within several of the divisions, three things stand out in this kind of organization. First, the overlapping assignments of the chief and his assistant make it impossible for citizens to determine who is actually responsible for the department's policies and operations. Second, the large number of divisions and the lack of any clear structural relations among them make it inevitable that many departmental decisions will have low

visibility. Finally, there are no provisions for internal investigations, public accountability, or community involvement in the law enforcement process. If citizens were interested in concealing decisions and protecting illicit activities, they would find it hard to construct an organizational pattern better designed for these purposes.

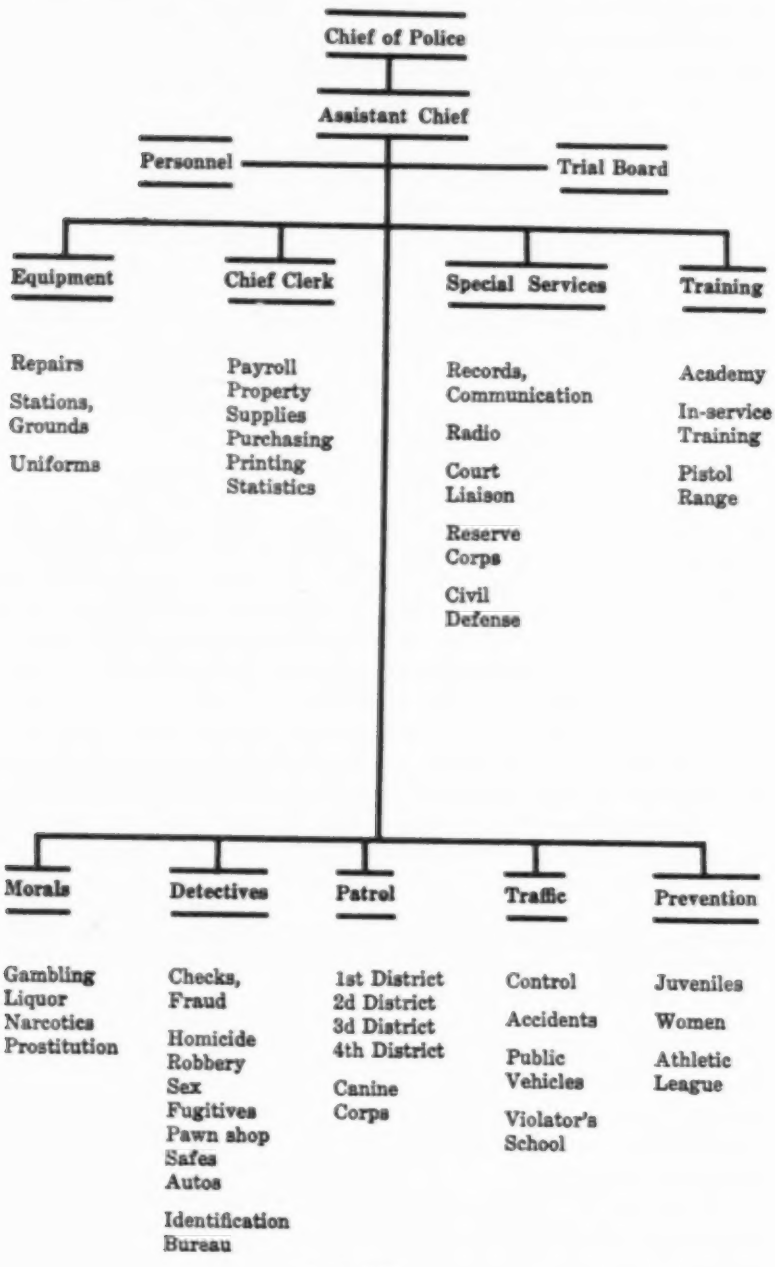
However, the toleration of crime need not necessarily reflect the preferences of the police. Toleration may be inevitable if the community, or any influential part of it, is intent upon circumventing the law. Tolerance policies tend to occur in two ways. First, there may be an official decision not to enforce certain statutes, or to enforce them only at certain times or places. Such decisions, of course, are normally covert. Second, the prescribed sanctions may not be invoked against selected offenders who are at some stage diverted out of the arrest → conviction → punishment cycle. Decisions not to prosecute are ordinarily made by district attorneys, court authorities, or other elected officials. Because of their low visibility, these decisions make an inviting target for individuals whose concern is illicit gain rather than the public interest.

What is often called police corruption would therefore be more aptly labeled political corruption or, better yet, community disorganization. Top police administrators, who usually serve under some form of political sponsorship, are more or less compelled to support the policies of elected officials. These officials are necessarily sensitive to community pressures. If they sometimes find it expedient to tolerate evasions of the law, it is because of the complicity of vested interests within the community.

Although tolerance policies are not likely to be effective unless they are condoned by leaders of political machines and elected officials, their success also depends on citizen patronage of illegal enterprises and of activities harmful to the public interest. By such patronage people contribute their earnings to criminal entrepreneurs who share the earnings with corrupt officials in return for protection from harassment by those interested in enforcing the law. So long as there are enough patrons and so long as the evasive policies can be sheltered from critical examination, political corruption and organized crime seem destined to flourish. Frequently the acts of law violation are not so destructive in their impact upon the community as is the system of collusion and corruption that conceals them.

Furthermore, organized crime has a feedback relationship with conventional law violations that tends to escalate both kinds of illegal behavior. The greater the amount of organized crime, the greater the strain on the system of crime control. The greater the strain, the greater the authority granted the officials. The greater

Table 5.3 Organization of a Metropolitan Police Department.



the authority, the greater the discretionary powers of the officials and the less visible their decisions. The less visible the decisions, the greater the probability of official misconduct. And the misconduct of officials, as perceived by individuals having criminalistic interests, is a norm that justifies criminal transgressions. It is in this way that defects in the system of justice may stimulate conventional criminality.

While crime and corruption are popularly attributed to irresponsible individuals, these are social problems that cannot be met by dealing with the offenders alone. In fact the individualistic approach, by narrowing the focus of attention, tends to conceal some of the issues. Many people, for example, hold the criminal element to blame for our lack of success in crime control. But the criminals blame the police, who blame the prosecutors, who blame the judges, who blame the correctional workers. By circulating such accusations, the agents of authority tend to polarize the animosities, suspicions, and fears that make more difficult the kinds of mutual effort required to reform the system of justice.

Needed reforms cannot be achieved by improving the police or the courts or the correctional institutions. Whatever the caliber and dedication of its personnel, the system of crime control is handicapped by the lack of support and resources, conflicting goals, inconsistent norms, inept strategies, and a general lack of essential information. If the system is incapable of managing its internal affairs, there is little prospect that it can achieve such external objectives as crime prevention, valid processing of criminal cases, or correctional treatment.

In a sense the community gets the kind of law enforcement it demands and is willing to pay for. And social costs are probably more important than economic costs. Hence the agents of authority not only have to contend with law violators but with a community that in many instances supports the law violators. If laws are outmoded and contrary to common sentiments and attitudes; if a high value is placed on wealth, prestige, and power without regard for how these are acquired; if certain groups and classes can refuse to abide by the laws they wish enforced against others; if big taxpayers and "solid" citizens are successful in getting preferential treatment; or if people, in general, have lost faith in legal procedures for dealing with offenders; then, of course, we cannot expect to have effective crime control.

Control of crime is neither more difficult nor more important than the control of other social institutions. Because of the collusion that occurs among offenders, officials, and others, the institutions of crime control may sometimes operate as a kind of conspiracy against the prescriptions designed to guide the conduct of human

affairs. Where such a conspiracy occurs, the system of crime control is itself criminal and the rule of law is a myth. This is the essence of the crime problem.

Police Discretion

Most police officers are pledged to investigate all law violations and, whenever the evidence warrants it, to make an arrest without regard to person or privilege. An example of such a pledge is given in Table 5.3. Police administrators ordinarily maintain that this is in fact the way law enforcement operates. And it appears that the public generally has a similar conception of the police role. It may come as somewhat of a surprise, then, that a principle of privilege is usually incorporated in police policy.

Sometimes the principle of privilege is written into the official manual of procedures. For example, the policy manual of a large urban department includes the following comment on traffic enforcement (Lohman and Misner, 1966, p. 35).

Table 5.4 Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department; whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit my personal feelings, prejudices, animosities, or friendships to influence my decisions; with no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—law enforcement.

> . . . To other law enforcement officers and others who because of their work or the urgency of the circumstances at hand, take some liberties. Don't write tickets to law enforcement officers or quasi-law enforcement officers on duty. Don't write tickets to law enforcement officers who are off duty. If the violation is not hazardous and the driver realizes he made an error, take no action. If the violation was aggravated, extremely hazardous or if the attitude of the driver being stopped is poor, write a report to your commanding officer, describing the circumstances, but do not write a ticket . . .

The manual proceeds to describe what might happen if officials were ticketed. Such action might lead to minor feuds and bitterness between departments and in this way destroy the *modus vivendi* that has been developed among official agencies. It might do more harm than good in the effort to maintain social order.

More often the principle of privilege is unstated. It may in fact operate without any awareness on the part of the individuals involved. If the violator is cooperative, contrite, and regarded as not likely to offend again, it may seem that little is to be gained in stigmatizing him by official prosecution. Hence the exercise of discretion is inevitable in police work; and of all the agents of crime control, the police probably have the greatest amount of discretionary authority. The problem is in the denial of such authority, its lack of visibility, and our consequent inability to hold the police accountable for their discretionary decisions.

Law enforcement is best described as a sequence of discretionary decisions. Some of the most important decisions are ordinarily made before the police become involved. Most police action is initiated by calls from the community's residents who therefore have to decide if calling the police is appropriate in any given case. Studies of incoming calls show that most of them are made for reasons other than alleged law violations.

In one such study, for example, over eight hundred calls were monitored in a large city during an eighty-two hour period (Cummings, *et al.*, 1965). Nearly one-third of the calls involved physical objects or possessions—requests for help in traffic problems, property loss, possible theft, unlocked doors, fallen power lines, and the like. Only a fraction of these dealt with criminal behavior, though the potential for crime was apparent in many cases. A second set of calls, almost half of the total, were for personal assistance. Included were requests for medical aid, ambulance escorts, accident investigations, or help in dealing with incapacitated individuals, suicide attempts, and missing persons. Some were about family disputes, other quarrels, destructive behavior, youth gangs, and hot-rodders, while others complained of noises, other nuisances, trespassing children, and people described as drunk or crazy. The remaining calls, less than 20 per cent, were

requests for information, repeats on previous calls, or calls about events completely outside police jurisdiction.

While three-fourths of the calls resulted in the dispatch of a squad car to investigate the situation, the investigation only rarely produced an arrest or other official action. What the callers are after is professional assistance. The police officers do what they can by providing friendly support, authoritative advice, and referring certain cases to other agencies. The police are called because other agencies frequently are not available and because it is known that the police work with people whom other authorities are anxious to avoid. In doing this work, however, they are systematically deprived of most professional resources. Thus they have to serve as an unauthorized and sometimes uninformed referral agency.

There is other evidence that police assignments involve mainly order maintenance functions rather than criminal investigation. For instance, a recent survey of the activities of patrolmen in a city of a half million shows how the officers' time is apportioned among their major tasks (Webster, 1970):

Activity	*Percentage of Time Spent*
Social service	14
Criminal investigation	18
Traffic and surveillance	18
Administration	50

Apparently the patrolmen spent half of their time in preparing and processing reports, attending court, serving warrants, running errands, community relations, and other administrative tasks. If we include dealing with family crises, drunks, and the mentally ill—listed under social service in the study—this brings the regulative activities up to nearly two-thirds of the time spent on the job. Furthermore, much of traffic control and general surveillance is more related to maintaining order than to catching criminals. This leaves only 18 percent of an officer's time for the investigation and apprehension of criminals, about an hour and a half per day. The time spent investigating violent crimes such as homicides, manslaughter, assault, rape, and robbery amounts to approximately fifteen minutes per day. Therefore, if administrative and regulative tasks are primarily matters of judgment and decision, the bulk of police work entails discretionary procedures. And this would be true even if there were no discretion involved in the handling of offenders.

Discretionary decisions play an equally prominent role in the processing of criminal cases, however. When an offense is reported, the police need to decide if it warrants investigation. It must likewise be determined if the offender should be taken into custody, if

an arrest is to be made, or if the offender should be held in detention. Before any court action can occur, the nature of the official charges must be decided. On each of these questions the police have access to a variety of alternatives.

Choices among the available alternatives represent low-visibility transactions among the police, the offenders, and various other individuals. Ordinarily the discretionary decisions are not regulated by any clear policy prescriptions, and they are infrequently subjected to careful administrative scrutiny. As a consequence, the exercise of discretion may sometimes deteriorate into police discrimination, violence, and other abusive practices (Chevigny, 1969; Cray, 1967; Skolnick, 1969).

Far more common than such extreme measures, however, are systematic variations in the extent to which the police resort to legitimate sanctions. For example, a study of law enforcement in Allegheny County, Pennsylvania, shows that nearly two-thirds of the juveniles apprehended were released without court referral (Goldman, 1963). Of the auto thieves, 91 percent were taken to court, while only 11 percent of those engaged in various kinds of mischief were so handled. Ethnic differences were also apparent. Negro youths were referred to court in 65 percent of the cases, as compared with 34 percent of the white offenders. In addition, the rate of court referrals varied greatly from one community to another. In general, the upper class residential areas had the highest rates, with many of the referrals involving minor offenses that appeared to be ignored by the police and the residents of the lower class communities. A survey being made of communities in Los Angeles County indicates that their rates of referral range from 2 to 82 percent or the juveniles apprehended.

It may be difficult for people to have much respect for the law in view of these wide variations in police practice. Especially disturbing is evidence that punitive sanctions are employed with the greatest frequency against members of minority groups and the economically disadvantaged. It is tempting to explain such unequal treatment by alleging discriminatory practices on the part of the police. But the evidence on discrimination is not clear. Several recent studies agree that if consideration is given to the seriousness of the offense, the attitudes of the community, and the nature of the encounters between police and offenders, the ethnic differences are practically eliminated. Particularly important in connection with police encounters are the appearance and the demeanor of the suspected offender. If he is contrite cooperative, and compliant, the prospect of official action is greatly reduced. By contrast, if the suspect displays a brusk, bold, and belligerent manner, the proba-

bility of punitive sanctions is enhanced (Terry, 1967; Piliavin and Briar, 1964; Shannon, 1963).

Perhaps police discretion can best be examined in terms of the total situation presented at the time of an encounter between citizens and the police. Discretionary decisions reflect the influence of numerous variables such as: the perceived seriousness of the offense; the roles played by the offender, the victim, the complainant, and any witnesses; the community's norms and interests; the policies of agencies in the system of justice; and the attitudes and judgments of the authorities involved. Support for this view comes from a study of police-citizen transactions conducted in Boston, Chicago, and Washington, D.C., during the summer of 1966 (Black, 1970; Black and Reiss, 1970).

In this study patrolmen on duty in each city were accompanied by observers who reported the police-citizen encounters for a period of seven weeks. A total of 5,713 incidents were reported. Nearly 600 of these involved incidents in which no suspect was present. Below are some of the findings:

About three-fourths of the transactions where no suspect was present were initiated by telephone calls.

Police encounters with complainants where no suspect is present involve a disproportionate number of felonies, the most serious category of crime. More than half of these cases were felony complaints.

More than three-fourths of the complainants in felony cases pressed for official action on the part of the police, rather than informal procedures.

Police reaction is influenced by the preferences of complainants. In no case did the police write an official crime report when the complainant expressed a preference for informal action. Police adherence to complainant preferences, where desire for official action is expressed, varies according to the seriousness of the offense. Compliance occurred in 84 percent of the felony cases and 64 percent of the misdemeanors.

Police are more likely to take official action when the complainant and the alleged offender are strangers than when they are friends or acquaintances. The rates of official action in these cases were 91 and 42 percent, respectively.

The complainant's attitude towards the police is also a factor. In cases where the complainant was very deferential towards the police, 91 percent resulted in official reports. Such action occurred in 73 percent of the cases where the complainant was less polite. Where the complainant was antagonistic, less than half of the cases were handled officially.

There is some indication of police discrimination along lines

of social class. Officers are more likely to comply with the wishes of white collar than of blue collar complainants. In felony cases, official action resulted from each encounter between the police and a white collar complainant, while the probability of such action dropped to approximately three-fourths for blue collar workers.

The demeanor of juvenile offenders tends also to influence police action. However, the relationship between demeanor and police response is a complex one. When youthful offenders were classified as deferential, civil, or antagonistic, the relationship was bipolar. That is, 26 percent of the very deferential juveniles were arrested, as compared with 18 percent of the civil and 29 percent of the antagonistic offenders.

If the above factors are taken into account, racial variations in police action tend to disappear. There was no evidence of racial discrimination.

Such findings make it clear that police action results from the interplay of many forces, that it is responsive to community pressures, and that any significant change in the police role will require changes in community attitudes. The police do not operate in a social vacuum.

Community Relations

In spite of the rapid growth of police organizations in the past century and a half, public attitudes towards law enforcement have not changed much. Relations between the police and the community are perhaps more strained than ever before, and antagonisms are sometimes intensified by calculated provocations on both sides. On occasion there is open warfare in which the force of the police is pitted against the guerilla tactics of rebel groups. Such warlike attitudes and activities are most apparent in our urban ghettos. Here many dissenters view the authorities as self-chosen enforcers of an oppressive social order, and the notion that laws and middle class norms should be binding on members of minority groups may be strongly rejected.

This view is reflected, for instance, in a comment accredited by the Los Angeles Times to an unidentified Black Panther spokesman (*West*, February 15, 1970, p. 13):

> Black power to black people.
> Brown power to brown people.
> White power to white people.
> And pig power—to the slaughterhouse!

Rather similar expressions of animosity are directed by law and order extremists against radicals, hippies, and other deviant

actors, as anyone working with the police in the beleaguered areas of our cities can attest. Yet most people tend to disassociate themselves from the activities of the rebels, considering it the job of the police to contain them. Whenever the smoldering resentment flares into visible conflict, it is therefore regarded as a sign of police failure.

Significantly, the main target of public criticism is the system of law enforcement, not the officers who work in that system. Thus, a recent national survey shows 70 percent of the respondents holding favorable opinions concerning the work of individual officers. But the same respondents have a very different attitude about the system of law enforcement. When asked if the system really discourages crime, 56 percent said it does not, and another 6 percent held that it actually encourages crime (Louis Harris Associates, 1968).

Many criminologists, as already noted, have come to the conclusion that defects in the justice system, not only in law enforcement, are important stimulants to criminal behavior. Some police officials share the same view. Consider, by way of illustration, the judgment of August Vollmer, who was a renowned police administrator (Leonard, 1951, p. 246):

> I have spent my life enforcing the laws. It is a stupid procedure and has not, nor will it ever, solve the (crime) problem unless it is supplemented by preventive measures.

Preventive measures are no doubt of crucial significance in crime control. If they were even moderately successful, they would do much to enhance the status and the effectiveness of law enforcement in general. To be successful, however, crime prevention needs as much effort, support, and coordination as does catching criminals, perhaps more. It demands some community consensus on social goals and values, legal prescriptions that protect the integrity of society and promote the welfare of its members, opportunities for the attainment of legitimate objectives by lawful means, enforcement procedures that are applied without favoritism or discrimination so as to remove the profits and other rewards of antisocial conduct, responsible officials whose discretionary decisions can be evaluated in terms of their observed consequences, and mechanisms for the free exchange of information which increases the visibility of public policies and makes them meaningful to all citizens.

Although they are stated rather abstractly, these are the fundamental requirements of any viable social system. They are necessary to keep harmful deviance at a manageable level without destroying the prospects for constructive innovation and individual expression. To the extent that such requirements can be met,

apprehending criminals and preventing crime are integral aspects of the same social system.

Conceived in this manner, law enforcement is obviously the task of all people, not only the police and other authorities. It involves the integration of programs aimed at the discovery and correction of criminogenic conditions, the early and reliable identification of law violators, and their prompt referral to appropriate agencies of treatment and control. Prevention programs, whatever their merit, encounter the same obstructions that make the apprehension of criminals seem hopelessly ineffective: disagreements on objectives and procedures, discrepancies between precepts and practices, attitudes of distrust and antagonism, secret agreements between authorities and offenders, discretionary decisions made by officials against the public interest, scarcity of resources and of decision alternatives, insufficient information to assess current practices, and so on. Until these obstacles are overcome, crime prevention is neither more feasible nor more productive than are other aspects of law enforcement.

It follows that some of the most difficult problems confronting the police are problems over which they have relatively little control. Foremost among these are problems of government and political organizations, especially the discrepancies that occur between values and institutionalized practices in an avowedly democratic society.

The feeling that government and politics are not meeting today's needs is widespread. Recent opinion surveys tell part of the story. In 1968, for instance, George Gallup found 46 percent of his respondents maintaining that "big government" is a greater threat to the country's future than either "big business" or "big labor." A similar poll in 1959 showed that both business and labor were then regarded as greater threats than government. Louis Harris, again in 1968, reported 80 percent of his national sample holding the view that our political leaders are either less adequate or no better than those produced in the past. Yet the same respondents overwhelmingly endorsed the present leaders in fields such as medicine and science as compared with leaders of the past, 88 percent favoring today's medical specialists and 79 percent today's scientists.

Other studies show a vast majority of our citizens supporting restrictions on campaign expenditures and contending that a basic conflict of interests exists in Congress. By more than a 3 to 1 margin they believe that many Congressmen receive pleasure trips at public expense, that elected officials have financial connections with companies engaged in federal projects, and that campaign contributions are obtained from defense contractors or other

vested interests. Those who think it is possible to purchase congressional votes for or against certain pieces of legislation amount to about 42 percent. Moreover, a third of the residents are convinced that syndicates of organized crime operate in their cities and suburbs.

Such opinions are substantiated almost daily by headlines revealing graft and corruption in high places. Current illustrations involve public officials who are convicted of extortion and tax evasion, declared legally incompetent and unable to stand trial for accepting bribes while in office, censured for personal use of campaign funds, or accused of influence peddling and a variety of other charges. Violations of the law, however, are less common and probably easier to control than violations against public morality. This is suggested, for example, by the recent failure of "ethics in government" efforts to get financial disclosures of personal income from public officials, and by the report that many federal legislators were leasing luxury automobiles at a cost of 750 dollars per year, slightly more than 20 percent of the amount charged private individuals. For reasons such as these many people are beginning to look to organizations outside of government to help solve our social problems. Movements recently initiated by Ralph Nader, John Gardner, and others are prime examples of this.

The most vocal critics of government and the most ardent supporters of reform movements are mainly the young people. In spite of new legislation lowering the voting age, the young are largely excluded from the official apparatus of decision making. They accordingly seek expression in protest. Without political representation, they chafe under military servitude. Without the legal right to use tobacco, liquor, and the like, they experiment with drugs and use other devices to induce psychedelic experiences. Without an official role in most community affairs, they engage in demonstrations that often demoralize the authorities and disrupt the routines of institutional life.

If our theories of social control have any merit, the attitudes of youth towards the Vietnam war, drugs, and radical movements are only symptoms of a pervasive sense of alienation resulting from the lack of effective ties and attachments among the members of our society. It is the absence of viable social linkages, not any alleged depravity of youth, that separates young people from many adults. Large numbers of adults are alienated too, and their number seems to be increasing. Hence the symptoms of detachment and despair will probably continue to appear, regardless of the war or other particular irritants, until more powerful social bonds are established.

The lack of social and political bonds may help to explain why

many young people feel that their only realistic options are dissent and do-nothing. There is little surprise, therefore, in the finding that 51 percent of our college students in 1969 subscribed to the notion that youth, Negro, and anti-war demonstrations produce constructive social changes and should be continued, or that another 36 percent felt the protests were worthwhile but had gone too far and should be terminated. Only 13 percent thought the protests were ineffective or should never have been started in the first place (Harris Survey, 1969).

Young people, especially college students, have rioted and rebelled annually for many generations, with property damage and personal injury a common result. Yet the earlier pranks and disturbances were ordinarily attributed to youthful exuberance, even though many of them would probably bring jail sentences if committed today. Today's protests are treated differently largely because they are directed against the political establishment and its alleged injustices. They are accordingly perceived by many as a threat to the existing order. Even if no violence occurred, they would be likely to arouse the ire of the authorities. The protests question whether government is attentive to the needs of all people and whether society can respond officially to the rational appeals and the nonviolent protestations of those who feel excluded from middle class institutions. The questions raised by the protesters are sometimes regarded as more dangerous and offensive than the solutions proposed.

The police are often the immediate targets in the demands made by the young and old, rich and poor, black and white, radical and reactionary. This makes it difficult for the police to develop management policies enabling them to do their job sufficiently well to justify their existence and at the same time to avoid severe public criticism. The result is a variety of administrative styles (Wilson, 1968).

Some police departments, for example, operate under a "peacekeeping" model of crime control. They act as if order maintenance rather than law enforcement were their primary function. Serious crimes, of course, are dealt with officially, but many offenses are regarded as private matters and receive little attention. Among the latter are gambling and other vices, many traffic violations, disputes among individuals, and activities that in other communities would be punished as disorderly conduct. Patrolmen are encouraged to follow the path of least resistance in handling their routine duties. While it is inevitable that the police and the community are sometimes adversaries, the policy is to minimize such conflicts by tolerating them and by avoiding situations in which they are likely to arise. There is no formal procedure by which

citizens can complain of police actions. Instead, the chief administrator handles community complaints personally, discharging officers who arouse too much public opposition, and greatly restricting the initiative that officers can use in making official charges or processing criminal cases. Except for the serious cases that attract public attention, most offenders are handled by diverting them from the judicial system.

Other departments employ a "crime control" model. These routinely issue tickets to traffic offenders, arrest a large proportion of the misdemeanants and juvenile delinquents, act vigorously against most illegal enterprises, and try to prosecute to the fullest extent of the law all serious crimes. Here the assumption is that the function of the law is to punish all violators. And if all men are equal before the law, the thing that ought to determine the extent of punishment is the seriousness of the offense. Person, position, and conditions related to the offense should not matter. In all relations between the police and the community, then, the crime control model stresses official action, formality, and punitive sanctions.

There is also the "community service" model. This model places about equal emphasis on order maintenance and law enforcement, depending upon the circumstances involved. The police take seriously any community request for assistance, even in matters only tangentially related to crime. Minor offenses are handled informally by counseling at the scene, by family interviews, and by referral to specialized agencies. Serious crimes receive prompt and efficient treatment, but the processing of cases is done in a professional manner without the emotional involvement that frequently attends police interventions under the peacekeeping or the crime control model. Community service demands a close working relationship between police and citizens, and it places considerable strain on patrolmen and detectives by giving them an extraordinary amount of discretionary authority. As a consequence, the community service model is most successful in homogeneous neighborhoods that have achieved a fair degree of internal organization.

The trend in law enforcement seems to be towards the community service model. Numerous devices are being used to bring the police and the people closer together. Some examples are the volunteer corps, citizen's advisory councils, and review boards, although the latter may be viewed by the police as a threat if given too much power. Public relations training and various kinds of group discussions involving police and civilians are also gaining some ground. In New York City and several other places specially trained teams of police officers are developing skills and experience

in handling quarrels and other family crises by professional and essentially nonpunitive methods (Bard, 1970). Similar approaches can probably be instituted to control riots and disturbances, con games, vice, consumer exploitation, organized crime, and many other problems. The police are also learning how to identify and to alleviate community conflicts, resulting in some innovative programs of tension management (Harlow, 1969). Sometimes neighborhoods are organized to hold regular discussions with the police, officers are encouraged to live in the areas where they work, to establish friendly relationships with the local residents, and administrators are assigned to local districts in an effort to decentralize police decisions and procedures without violating general policies (Watson, 1965; Watson, 1966; Edwards, 1968). Such programs promise to have as much impact on the future of crime control as the much better publicized improvements in police equipment and technology.

It is clear that law enforcement is being reorganized in response to changing social conditions. The community is becoming more involved in public affairs. New conceptions of the police role are being formulated. More people, and people from different parts of the social structure, are beginning to exert an influence on police policy. It therefore is no longer possible for the police to ignore constructive criticism, or to resist it by blaming their troubles on the opposition of "criminals," the "moral decay" of society, or the "anarchistic tendencies" of the dissident groups. Nor can the citizens, if given some voice in matters of policy, evade their responsibilities in law enforcement. If the police are to support the rule of law, the community must prescribe and expect compliance with the rule of law. Instead of viewing the police merely as an instrument for the repression of crime, the citizens must reward the police for their part in maintaining order and tranquility, for supporting the traditions of justice and equality, and for protecting the constitutional rights of all. In the final analysis, the problems of police management are precisely the same as the problems of community organization.

Chapter Six: Adjudication and the Courts

Law and Order

Americans traditionally take pride in the idea that their society operates under the rule of law. But there is much controversy over what the rule of law means. Even the experts are far from reaching any agreement.

Some extremists, for example, contend that the law is nothing more than a system of rules governing the use of coercive methods by agents of authority. Court officials are seen as the community's authorized decision makers on legal matters. They speak for the people. Their decisions are the law. In making decisions, moreover, their only constraints are those they impose upon themselves. If a decision is overturned, the law is changed. However, legal changes can be accomplished only by officials having higher authority than the initial decision makers. Thus authority lends its power to the law. Individuals are not only obligated but also compelled to conform. Too much nonconformity therefore implies a weakness in law enforcement.

In this view social order is construed as a hierarchy of official positions, a kind of legitimate pecking order. From the top of the order to the bottom, an individual of any given rank has authority over those beneath him. This is intended to make certain that the strong will prevail over the weak. Except for the transition from physical prowess to legal authority, therefore, the rule of law is much like the law of the jungle.

Another extreme view is that the law should merely codify the basic desires of the people. More fundamental than any written laws, in this view, is the conventional moral order. Moral order consists of precepts and practices, often unspoken and adhered to without conscious effort, which grow out of custom and tradition.

Relationships among friends and close associates are allegedly governed by moral norms, as are the primary institutions of the family, the neighborhood, and the community. Written laws, by contrast, deal mainly with voluntary associations, contractual agreements, and relations among strangers. These laws may be needed to produce order when individuals do not share the same values and interests. Yet there is always the danger that laws will create barriers between people and in this way tend to weaken the underlying moral order.

Many laws are therefore considered unnecessary. Some are not

viable. Unless they have a foundation in public sentiments and attitudes, there can be no assurance that people will conform. Nor does conformity to the law guarantee that a legitimate social order will be the result. A few laws are actually destructive of order. They require people to engage in immoral conduct. Examples cited by proponents of this view are the Nazi attempt to exterminate the Jews, the war in Vietnam, the execution of lawbreakers, the racist policies of many American institutions, and numerous other legal demands that receive strong opposition from various groups and organizations.

Hence the existence of a law is no criterion of its legitimacy. To be legitimate, it must gain willing compliance. Too much nonconformity implies a weakness in the law's substance rather than in its enforcement procedures. Indeed, if conformity requires the use of coercion, this is often regarded as sufficient evidence of the law's moral and practical inadequacy. It is argued that good laws have enough moral support to make forced compliance an infrequent event.

One of the problems with this view, of course, is that it overestimates the amount of moral consensus in modern societies. Conceptions of morality vary in time, place, and circumstance. Where conflicts occur, it is doubtful that laws can be written so as to meet the implied criteria of legitimacy. And if people are allowed to make individual judgments regarding their relationship to the law, perhaps there can be no legal system. Too much emphasis on moral values confuses the law with public sentiment and makes social order equivalent to the expression of a group's will.

By focusing on different aspects of the legal system—practices versus values—the above models arrive at diametrically opposed conclusions concerning the use of force. The first model says the law is what the court does. Coercion is therefore justified whenever it is necessary to carry out the orders of the court. The second model says the law is what the people determine it should be. Forced compliance, accordingly, is never justified unless it has the endorsement of a majority of the people. A more moderate viewpoint, asserted by John Stuart Mill and other libertarians, holds that the only purpose for which the power of the state can legitimately be exercised against an individual, contrary to his will, is to prevent harm to others. However, none of these views is consistent with present judicial procedure.

Neither an official's decision nor a vote of the people justifies the use of force under the rule of law. Both tyranny and mass action are regarded as inimical to democratic process. In theory, at least, officials and citizens are held together by normative checks and balances that prevent one from gaining dominance over an-

other. Court officials are under the constraints of legal precedent and statutory enactments, while the people's interests are likewise expressed through authorized channels. If the legal system works according to its design, it should weed out capricious decisions, mob actions, unnecessary use of force, and other injustices.

However, justice under the law is an ideal towards which people are ever striving. Instead of describing current practices, it serves as a guide to future developments. Yet certain minimum conditions can be stated for the attainment of the ideal. First, the members of a society must consider its laws equitable. Second, the members must ordinarily conduct themselves by voluntarily applying to their own behavior the laws that are prescribed for everyone. Where official force is required to obtain conformity, the rule of law gives way to the rule of might. Third, the agents of authority, in responding to the legal transgressions that are bound to occur, must conform to official rules of procedure. Some discretion may be permitted, but it is always limited by the law and subject to judicial review. It is clear from even a cursory inspection that none of these conditions can be met in contemporary society.

How well the legal system appears to work may therefore depend in part upon one's perspective. But there also are more objective criteria for assessing its operation. One method, for example, is to measure the amount of public support for laws and judicial procedures. Another is to compare the system's prescriptions with its performances. Still another is to determine if its means are well adapted to its ends. Any significant trends in the information gathered by such methods should tell us the direction in which the system is moving.

Before attempting to make an interpretation of the available evidence, it may be helpful to examine the system's skeletal structure. Official versions of justice are encoded in substantive and procedural laws. Substantive laws spell out behavioral prescriptions and specify the penalties for any violations. These laws are ordinarily gathered together in a criminal code, and the actions of criminal courts are restricted to matters contained therein. Hence one of the maxims of criminal law is that the courts cannot legislate new categories of crime, nor can they declare an act to be a crime unless it is included within the code.

Substantive laws are of three kinds: universals, alternatives, and specialties. Universals are binding on all members of the community. Certain acts or omissions—murder, assault, robbery, or the failure to wear clothing, for instance—are defined as criminal. Alternatives designate a set of activities having equal status before the law. While it may be against the law for a person to appear in public without clothing, for example, many different

styles of dress and adornment are permitted. Specialties identify certain categories of people to whom particular regulations are applied—doctors, employers, brokers, landlords, and so on. By standardizing the relationships between doctor and patient, lawyer and client, or landlord and tenants, these regulations facilitate the division of labor that characterizes modern societies.

It is generally assumed that a person who flouts the law should not be treated the same as one who willingly accepts its restraints. Penalties are therefore provided as an incentive for obeying the law. Rewards for conformity, of course, would serve the same purpose. But the administration of rewards may be more costly, especially if violations are infrequent. Furthermore, the supply of rewards—particularly those of a pecuniary variety—is often severely limited, whereas punitive measures can be found in relative abundance.

In earlier times penalties were commonly graded according to the status of the offender—nearly always to the advantage of the wealthy and the powerful. More recent legal reforms have stressed the universality of punitive measures, so that penalties are prescribed without regard for an offender's age, sex, religion, race, or other extraneous characteristics. However, universality applies mainly to the written law. In practice, both the frequency and the severity of punishment are known to vary in terms of the offender's background, his demeanor, and several other factors.

Practices of the courts, the police, and other authorities are regulated by procedural laws. These laws outline the methods that may be legitimately employed in handling alleged violations of the substantive law. Procedural laws, then, place constraints on the authorities in the same manner that substantive laws place constraints on the entire community.

American criminal procedure is conspicuous for the rights and protections accorded individuals suspected of having committed a crime. An accused person is entitled to a speedy and public trial. His innocence is presumed until guilt is established beyond reasonable doubt by evidence lawfully admitted in court. He is protected against self-incrimination or unreasonable search and seizure. He has the right to confront his accusers and to cross-examine them, to investigate the state's evidence, and to indicate any circumstances that might mitigate his guilt or responsibility. He is assured of legal counsel. If he cannot afford to employ an attorney, one must be provided for him at public expense. These rules are set forth in the federal constitution and the laws of the states. They attempt to make certain that official reactions to violations of the substantive law are confined to lawful procedures and to penalties prescribed by the substantive law itself.

Modern criminal procedures developed largely as a reaction against the star chamber methods employed by courts in the past. The inquisitorial courts, for example, held their sessions in secret. Cases were tried by a single person or a small group. The roles of judge, prosecutor, and defense counsel were combined into one. Torture and threats were employed in obtaining confessions, and the objective of most trials was to gain a confession of guilt. The innocent, as a consequence, were often convicted.

Yet it was not the secrecy or the conviction of innocent persons that caused the inquisition to fail. It was more a lack of public confidence and the system's inability to demonstrate that all evidence was impartially considered. Reforms therefore were not aimed only at improving the quality of official decisions. The development of public faith in the system was considered equally important.

In order to build public support, it was necessary to separate the roles of court officials, to make each serve as a check on the others, and to establish a coherent regimen for arriving at decisions. The adversary procedures were instituted to insure the independence of police, courts, prosecution, and defense. The criminal trial was divided into an orderly sequence of presentations by the prosecution and the defense. Provisions were made for appealing to higher authorities if the court's decision was improperly determined. Gradually the judicial process evolved to its present stage of development.

Law is not essential to social order. Order can sometimes be achieved by force and fraud without the benefit of law. Nor is a legal order equivalent to the rule of law. It can sometimes be established without public support if the authorities have sufficient power and integrity. But the rule of law can be attained only if people endorse both the law and its means of enforcement. The rule of law implies willing compliance. It presumes that the laws intended for all are employed by each individual in regulating his own conduct, and that the agents of authority—in responding to law violations—are acknowledged to be in conformity with the rules of criminal procedure. This, in the final analysis, is the essence of law and order.

Criminal Procedure

If human behavior is to be brought under the control of official regulations, provisions must be made so that laws can be proposed, formulated, enacted, interpreted, applied, and enforced. These activities involve numerous organizations that are themselves under procedural controls.

Agencies of the legal system can be arranged in a hierarchy of

functions. At the top of the pyramid are venerable documents such as the Federal Constitution, the Bill of Rights, and the constitutions of the several States. Next in line are the legislative bodies which decide on definitions of crime and on appropriate punishments. Below the legislatures are the courts, where laws are applied to individual cases and questions of fact are resolved. At the bottom are the police and other enforcement agencies. These receive complaints, investigate alleged offenses, bring cases before the courts, and conduct programs of surveillance and crime prevention. Each level of the hierarchy has its distinctive functions to perform. Any encroachment of one agency on the prerogatives of another may destroy the integrity of the whole system.

In recent years the rapid growth of government has produced another kind of legal organization. Administrative agencies, mostly under political domination, have become prominent in fields such as housing, health, welfare, race relations, education, and the like. Here bureaucratic officials formulate rules and regulations, apply them in specific instances, and make a variety of discretionary decisions. Because they frequently deal with social problems and aberrant behavior, their decisions are important to crime control. While the decisions, in principle, are subject to judicial review, they are sheltered somewhat by executive authority. Administrative agencies have already enabled the executive branch of government to assume many of the functions previously performed by the legislature and the judiciary. Indications are that the scope and significance of these agencies will continue to grow, at least in the immediate future.

The processing of conventional crimes, however, continues to fall primarily under the jurisdiction of the courts. Most important in this connection are the trial courts. These are of two kinds. First are the courts of limited jurisdiction—justice courts, municipal courts, misdemeanant courts, traffic courts, and a variety of special tribunals. Such courts make decisions on minor offenses and handle felony proceedings through the preliminary hearing. Courts of general jurisdiction, by contrast, have much wider authority. They are empowered to hear felony cases, adjudicate them, and sentence the convicted offenders. As a consequence, general courts are ordinarily much better equipped in personnel and other resources.

In addition there are appellate courts which review cases on appeal following trial. Usually the grounds for appeal are that the original trial was not properly conducted, that a violation of the defendant's rights occurred prior to trial, that new evidence has come to light, or that the law under which the initial decision was made is unconstitutional. These courts, like the trial courts, are operated by the States as well as the federal government.

Examples of courts that handle cases mainly on appeal are the Federal Courts of Appeal and the United States Supreme Court. The latter nevertheless has original jurisdiction over a few types of cases specified by the federal constitution.

Appellate courts have the highest status among the different kinds of tribunals. In most cases their judges have better training and experience, their libraries are superior, and there are more clerks, reporters, and other employees. At the bottom of the list are the courts of limited jurisdiction. This is reflected in judicial salaries, reaching as high as $60,000 for justices of the supreme court ($2500 more for the chief justice). State courts of appeals pay from $19,000 in Mississippi and Wyoming to more than $40,000 in New York, New Jersey, and California. Courts of general jurisdiction have an average salary of $23,345. Mississippi's $16,000 is again the minimum. Seventeen other States pay less than $20,000, while eight pay more than $30,000. Salaries are considerably lower in most courts of limited jurisdiction, with their magistrates receiving less than $10,000 in about 15 States. Sometimes the justice of the peace is paid by fees (*Judicature*, December, 1970).

Most criminal proceedings begin in courts of limited jurisdiction. They are technically initiated against a suspected offender at the time he is arrested by the police. Sometimes an arrest is preceded by a warrant from the court. But the police have authority to arrest without warrant if there is probable cause to believe that the suspect has committed a felony. Misdemeanor arrests often require a warrant unless the offense is committed in the officer's presence. Hence there is some legal basis for the preference of the police to treat questionable cases as felonies. This preference is also supported by pragmatic considerations, since felons are more likely to be tried than misdemeanants and their conviction usually keeps them off the streets longer.

Following apprehension the suspect is taken to a police station where the arrest is reviewed by a supervising officer. Some cases are for various reasons terminated at this time. Others are assigned to detectives for further investigation. The remainder are prepared for presentation to the prosecuting attorney.

Unless it is decided to release the suspect, his case is booked in the police files by making notations regarding his identity, the circumstances of the offense, and the charges against him. Most of the individuals booked are lodged in jail, though the law frequently allows a magistrate to release suspects on bail or on their promise to appear in court. Confinement prior to trial is sometimes used to facilitate the interrogation of a suspect, to impede his defense, or

as a form of punishment. It is doubtful that any other step in the judicial process is attended by as much controversy.

The law stipulates that information supporting an arrest shall be promptly submitted to the prosecuting attorney. When he receives information concerning an alleged offense, whatever its source, it is the prosecutor's responsibility to determine if further proceedings are justified. In addition to deciding whether the evidence is sufficient for conviction, he may consider a wide range of alternatives to prosecution. Among these are *nolle prosequi* (decision not to prosecute) in order to protect an offender against unnecessary stigmatization, informal release of the offender on his promise to compensate the victim, and civil commitment for narcotics offenders, alcoholics, sexual deviants, or the mentally ill. The prosecutor's role is not simply to obtain convictions but to judge the merits of each case in terms of the public interest and to arrive at a just disposition. Since the decisions made informally at this time have such low visibility, it is often difficult to hold the prosecuting attorney accountable for his discretionary judgments.

If the decision is to proceed towards a trial, the prosecutor prepares a formal complaint identifying the defendant, specifying the charges against him, and requesting the court to issue a warrant of arrest. The complaint and petition for a warrant are ordinarily presented to a magistrate in a court of limited jurisdiction. Here the magistrate may refuse to issue an arrest warrant on the grounds that the complaint is insufficient or otherwise inadequate. In some States the magistrate actually decides on the charges to be made, if any. Other States allow the prosecutor to make these decisions, as already suggested. Especially in the latter States, the court makes only a perfunctory examination of the complaint. Since the defendant, in most cases, is already under police arrest and in custody, the court's response to the prosecutor's request is hardly more than a ritual.

Very soon after the warrant is issued, it is expected that the defendant will be taken before the magistrate for his initial appearance. Although the defendant technically has a right to counsel from the time of his interrogation by the police, it is mandatory in felony cases that a defense attorney be appointed for him at this appearance if one has not previously been employed. The appointment of counsel is also fairly common in certain misdemeanor cases, excluding minor traffic offenses.

Procedures are truncated in misdemeanor cases, and the defendant is usually requested to enter a plea at the initial appearance. If he pleads guilty, as the vast majority do, he may be sentenced immediately. Even if he pleads not guilty, he may be tried without delay in cases where the arresting officer and com-

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plainant are present in court. Otherwise, the trial, normally conducted by the magistrate without a jury, is scheduled for a later date. Court records show that defendants represented by counsel are more likely to demand trial or to have sentencing postponed in the event of a guilty plea. The threat of a costly or time consuming trial and the postponement of sentencing are often used by the defense for leverage against the prosecution in subsequent negotiations.

In felony cases the initial appearance is only one of the intermediate steps leading to trial. At this time the defendant is informed of the precise charges against him. He may renegotiate his bail, or try to make bail if held in jail. He also decides whether or not to have a preliminary hearing. Unless the hearing is waived by the defendant, it is usually scheduled for a few weeks after the initial appearance.

Scores or even hundreds of preliminary hearings may be held in a single court on a given day. A deputy prosecutor hurriedly tries to convince the magistrate that there is "probable cause" to believe a crime was committed and that the defendant committed it. He presents the minimum amount of evidence necessary to establish probable cause, at the same time trying not to reveal to the defense the strengths and weaknesses of the State's case. Since little can ordinarily be learned by the defense, perhaps the main advantage it can gain is in using the hearing to delay the trial. In most cases, however, the defendant waives the preliminary hearing, a trend that seems to be growing in popularity.

If the prosecution should fail to demonstrate probable cause at the preliminary hearing, the case is dismissed. But if probable cause is established, a formal accusation against the defendant is prepared for submittal to a court of general jurisdiction. Sometimes a grand jury of citizens hears evidence on the accusation in secret and returns an "indictment," while in other cases the prosecutor prepares the accusation and supporting evidence—called an "information"—without recourse to a grand jury. The grand jury is a costly and time consuming procedure that adds little to the quality of justice. Its deliberations are largely a reenactment of the preliminary hearing, except that the defendant is commonly excluded. The jury's task is to evaluate the State's evidence and determine if a trial is justified. Although a grand jury indictment is still mandatory for felony cases in the federal system and about half of the States, the trend is towards greater use of information. Some States make information optional, while others are turning to it almost exclusively. In many places, therefore, the grand jury is no longer employed to screen out unwarranted

prosecutions. It survives in these areas mainly because of its occasional use as an investigative agency.

Information, when used in lieu of indictment, tends to speed up the charging process. It usually can be filed a week or two after the preliminary hearing, whereas the grand jury may take several months. It also seems to encourage negotiations leading to the settlement of cases without trial. When both prosecution and defense are willing to make some concessions, the initial charges are often reduced in return for a plea of guilty. In this way it is possible to minimize costs, risks, and perhaps harmful publicity. The extent of such negotiations may be partly reflected by the number of guilty pleas, which account for more than three-fourths of all criminal convictions, as many as 95 percent in some areas. This, of course, greatly decreases the actual number of court trials as compared with the potential amount.

In some jurisdictions justice by negotiation has received further encouragement from the recent development of "discovery" procedures. Discovery refers to the mutual exchange of relevant evidence by prosecution and defense prior to trial. The prosecution, for example, may make available for inspection the names of its witnesses, any statements made by witnesses or the accused, the testimony of its experts, its physical materials or exhibits, and the minutes of the grand jury. In return the defendant agrees to appear in a line-up, to speak for identification by witnesses to the crime, to be fingerprinted, to pose for photographs, to furnish specimens of material under his fingernails or on other parts of his body, to give samples of his handwriting, and so on. Although used extensively in civil cases, discovery has been limited in its application to crime. Its application in this area requires some modification of conventional views regarding the adversary process. Yet there is growing acceptance of pretrial discovery in several States. It appears to make better use of evidence, to speed up and simplify judicial procedures, and to lend greater finality to the court's dispositions. Moreover, it seems to be in line with recent Supreme Court rulings, including the requirement that after a witness has given testimony at a trial the prosecution must turn over to the defense any statements made by that witness before trial (Jencks v. United States, 1957), or that the prosecution must disclose evidence in its possession favorable to the defense (Brady v. Maryland, 1963).

If all efforts at negotiation fail, however, the felony case is eventually tried in court. The last step prior to trial is arraignment of the offender in a trial court. Here again the defendant is read the information, or indictment, and asked how he pleads. If he professes innocence, his case is tried by a judge or a petit jury.

In more than half of the cases, the accused waives his right to a jury trial. This means that the judge who presides at the trial is also the one who renders a verdict. In addition, the sentence is normally imposed by the judge before whom guilt was established.

Judges are known to differ from one another both in their proneness to convict and in their sentencing habits. Accordingly, the prosecution and the defense are much concerned about the previous records of judges who handle their cases. They play a game of maneuvers to get the right judge. Whoever wins the game has a decided advantage in the struggle for a favorable disposition. Rather than risk a trial before a hostile judge, for example, the losing side may be willing to make important concessions in order to settle by plea. Negotiations may continue beyond the date set for trial or even after the trial has begun. Both sides are always mindful of the merits of a negotiated disposition as compared with the probable outcome of a trial. Most of the uncertainty is in the trial. By giving evidence of likely court actions, therefore, the few cases that are tried have a determining influence over many that are not. They have an impact on justice far greater than their numbers would suggest.

In practice, American justice is largely a matter of negotiations. In theory, however, justice is the outcome of adversary procedures. Adversary methods are a form of institutionalized skepticism. They assume that the tribunal before which trials are held, whether judge or jury, has no prior knowledge relevant to any particular case. Hence the trial consists of competitive demonstrations in which prosecution and defense alternate in presenting the evidence most favorable to one side and then the other. The adversaries have the responsibility of establishing beyond reasonable doubt both the legal grounds and the factual basis for a decision. Each side is also expected to reveal any infirmities in the argument of the opponent. The result is often two contradictory interpretations of the same set of facts. Until the interpretations are fully developed, the tribunal is merely a passive observer. Then it is called upon to select the interpretation it finds most convincing.

If neither interpretation is compelling, the court may come up with a decision fitted to the individual case. It may acquit a defendant who, so far as the revealed facts are concerned, appears to be guilty. Or it may find him guilty, only to suspend his sentence or otherwise to circumvent the penalty prescribed by law. It may likewise convict an offender and treat him harshly for reasons having little connection with the evidence—to instill fear of the law, for instance, or to make a public exemplar of one who has committed a heinous crime. Thus the courts can ameliorate the law

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by making lenient dispositions, or they can, in effect, resurrect ancient ordinances, put teeth in them, and "throw the book" at offenders who previously, though technically in violation of the law, went unpunished. Few agencies other than trial courts and prosecutors have such power to manipulate the law for their own purposes.

Where such discretionary authority exists, there is always the possibility of privilege and favoritism, on the one hand, or cruel and unusual punishment, on the other. But the effects of unfettered discretion are not limited to individual cases. Without reliable assessments or public accountability, discretion also leads to many mixtures of policy and to many different procedural arrangements. Some legal jurisdictions, for example, use public defenders, others assigned counsel; some forego the preliminary hearing, others the grand jury; some emphasize negotiated justice, others adversary methods; some make negotiations visible, others conceal them; some try many cases, others very few; some try mostly by jury, others rely more on bench trials. Such procedural alternatives appear in a staggering array of combinations and permutations. Yet there have been only rare and piecemeal efforts to compare their effects by research and experimentation.

Lacking much guidance from research or tradition, the courts are left largely alone to handle their affairs. Such things as calendar arrangements, assignment of cases to judges, and other procedural details are usually decided by the individual courts. Although there is much diversity and flexibility in the overall picture, the procedures in specific courts are often rigid and arbitrary. Patterns accepted as legitimate, or even essential, in one court are viewed with suspicion in another. Each judge rules his own court in his own way, and most court workers tend to go along with him. Instead of having a unified court or an organized judiciary, therefore, we have many different courts and many different styles of judicial administration. To the extent that the courts function as autonomous units, of course, there can be no such thing as an American system of justice.

Problems in the Administration of Justice

Courts are the most formal and the most highly institutionalized parts of the justice system. They play a leading role in the process by which society—in reacting to criminal violations—identifies offenders, labels them, and administers punishment. They regulate and provide legitimation for many of the activities of the police and the correctional agencies. More important, they stand nearly alone in enforcing the procedural laws that protect citizens against mistreatment by the authorities. Inadequate performance by the

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courts is therefore a threat to both procedural and substantive laws. No other element of the justice system—or nonsystem, if that term is preferred—has greater significance for the rule of law.

Yet there is little reliable information on court activities, much less than on the other agencies of justice. Several states maintain fairly adequate court records, but national data are not available. The only national compilations of court statistics were made by the Bureau of the Census from 1932 to 1945. During those years, even though numerous attempts were made to standardize court records, the number of States involved in the reporting system was never greater than thirty-two. Judges were often resistant or diffident, and the effort was eventually abandoned. The result is that national estimates of court actions are mainly extrapolations based on data from a variety of sources, some of questionable reliability.

Overcrowding. Exact information may not be necessary, however, for sketching the major problems. Overload is a good example. In spite of the constitution's promise of a speedy trial, court calendars are crowded and dispositions are delayed to such an extent that this problem is obvious. Moreover, delays and overcrowding are getting worse rather than better, since current resources are continually swamped by the rising tide of criminal litigations.

About 10,000 judges are sitting in the courts of America—7,000 state or county judges, 2,000 city judges, and 1,000 federal judges. How many of these handle criminal cases is unknown. But it is certain that the number of cases handled runs into millions each year. In 1966, for example, court dispositions made in Los Angeles County were employed in estimating the number of prosecutions nationwide. County data were multiplied by a population factor, producing the following rough distribution of criminal dispositions for the entire country: a half million felony cases, considerably more than a half million offenses involving juveniles, five million misdemeanors, and forty million traffic offenses, excluding parking violations (Hayden, 1966). No doubt these estimates would be much higher today.

The time needed for processing a criminal case depends upon the seriousness of the charge, whether or not a trial is held, and numerous other considerations. Some felony cases remain in session for months or even years. Many run for several weeks. The vast majority, however, are disposed of much more quickly.

This is evidenced by the Los Angeles data for 1966. To handle the workload in that county, every criminal court judge disposed of nearly seven hundred felony cases during the year, an average of more than three cases per day. Juvenile cases moved somewhat

more rapidly. Assisted by referees, each juvenile court judge handled about a dozen offenders per day. Yet the volume of decisions was much greater in courts of limited jurisdiction. Here each judge handled about ten misdemeanor dispositions and preliminary hearings on felony charges plus eighty traffic cases per day. In the limited courts, eighty judges handled 25,000 preliminary hearings, 185,000 misdemeanor dispositions, and 1,500,000 traffic cases (exclusive of parking violations) during the year. This amounts to more than 21,000 cases per judge.

Nor is the Los Angeles story unique. One year a Detroit judge for instance, handled 20,000 nontraffic misdemeanors and petty offenses. Three judges in Atlanta disposed of more than 70,000 cases. Four judges in the District of Columbia processed 1,500 felony cases through the preliminary hearing, made final dispositions of 7,500 serious misdemeanors, and heard 38,000 petty offenses along with an equal number of traffic violations (*The Courts*, President's Commission, 1967). Assuming that a judge spends around 210 days per year in the courtroom, and assuming further that his time is approximately equally divided between the bench and his chambers, it appears that the average misdemeanor case is disposed of in about two or three minutes.

Even swifter justice occurs in some specialized courts. Traffic courts, for example, may arraign a defendant, hear his plea, and impose a sentence in an average of fifty-one seconds (Nutter, 1962). It hardly seems possible that justice can be dispensed with any greater dispatch. To achieve such rapidity, however, the courts must employ assembly line procedures.

Assembly line justice processes defendants by the batch. A batch is comprised of the defendants who appear in court on any given day. The members of a batch are gathered in a group and advised of their rights. Then they are herded by bailiffs into the aisles of the courtroom, arranged in line according to the order of their scheduled appearances before the judge, and moved forward step by step as names are called and cases adjudicated. Witnesses and attorneys wait in court until called. Nothing is permitted to disrupt the smooth flow of the line. Stragglers are promptly prodded into action by both the authorities and the mass of defendants. Once a case gets to the head of the line, everything is done to dispose of it quickly. The quickest disposition, of course, is a guilty plea followed immediately by sentencing. Sentences, to save time, are usually made by formula. A machine could be programmed to exercise as much discretion as is reflected in the decisions of some judges.

Many defendants plan initially to contest their cases, but very few follow through with these plans. Most are overwhelmed by

the tacit norms and other pressures that keep the line moving. They are reluctant to ask questions, make comments, or do anything that might disrupt the routine. Contempt citations are issued often enough to make them aware of the power of the court. By the time the defendant reaches the judge, his sole interest is in getting out of the courtroom as fast as possible. The vast majority plead guilty, more than ninety percent in many traffic courts and other special tribunals having limited jurisdiction. But it is difficult, under the circumstances, to determine if such pleas reflect an acknowledgement of the charges or if they are more the result of conditions prevailing in the courtroom.

This is the kind of justice with which most minor offenders are familiar. They experience it first-hand. Although it may tend to shock the sensibilities of unsophisticated observers, the assembly line adjudicates more cases of law violation than all other judicial procedures combined. It is in some respects the cornerstone of American justice.

However, assembly line justice may work to the advantage of career criminals and other recidivists. Experienced defendants, knowing the pressures under which the courts operate, are frequently able to maneuver the system to their own advantage. They commonly gain concessions from the prosecution, for instance, by threatening to demand a trial or by otherwise convincing the prosecutor that a trial would not be in his interest. Concessions ordinarily entail reduced charges, elimination of some allegations, or the promise of light sentences. Many veteran offenders believe that, even if no specific concessions are involved, guilty pleas generally result in lighter sentences than those imposed after trial. Moreover, this view is consistent with much of the evidence on sentencing, especially in courts of limited jurisdiction. Most of this evidence suggests that defendants who plead guilty do in fact tend to get preferential treatment (Newman, 1956; Newman, 1966; McIntyre, 1967).

Preferential treatment is not surprising if we consider the importance of guilty pleas in controlling the workloads of the courts. Most courts—especially trial courts—have such a backlog of unfinished cases that delays are inevitable. Some authorities fear that any appreciable increase in trials may force the courts into a dilemma where they have to choose between interminable delays and rejection of the adversary system. In their view, then, assembly line justice may be necessary to preserve access to trials in selected cases.

By manufacturing pleas of guilt, assembly line justice holds down the number of court trials. It should be realized that slight variations in the proportion of cases disposed of by plea have a

great influence on the number of trials. Assume, for example, that in a certain court the proportion of pleas were to be reduced from, say, 85 percent to 75 percent. If the total number of cases remained constant, such a reduction would produce a 67 percent increase in the number of trials. Specifically, the proportion of trials would be increased to 25 percent from the original 15 percent. On this basis alone, it is reasonable to expect that the court may view with alarm any procedural changes designed to lessen the amount of pleading.

Hence the assembly line seems likely to survive. Its elimination would require either a tremendous enlargement of court personnel or the development of substitute procedures and other innovations that do not add to the court's workload. Yet, if official personnel were in adequate supply, they would perhaps place severe limitations on any innovative efforts. This further illustrates the disorganization of the system of justice. Although the system prescribes trials and adversary procedures, its survival demands the continued expansion of practices such as the assembly line and other forms of negotiated justice.

Increased emphasis on negotiation tends to enhance the power of the prosecutor while limiting that of the judge. It also tends to conceal judicial procedures from public view, thereby making it more difficult to hold the authorities accountable for many of their decisions. Moreover, negotiated decisions are often justified in terms of the system's needs, rather than the merits of the individual case. What the system needs, in the view of its agents, is greater efficiency in case processing—efficiency as measured in volume of cases per unit of time. Hoping to improve efficiency, some states have enacted statutes requiring that criminal trials be held within a specified time after the filing of an indictment or information. California, for instance, has a limit of sixty days. Unless the defendant consents to a delay, failure of the prosecution to meet the deadline results in dismissal of the case.

Delay. In spite of efforts to speed up the trial process, however, delays in most places have been increasing. Data from the federal court in the District of Columbia illustrate some of the trends (*Crime in the District of Columbia*, 1966). In 1966 the median amount of time between filing and termination of cases convicted by a jury was 6.3 months. For all criminal cases, whether tried or not, the median interval of time from filing to termination was 4.8 months. By comparison, the interval in 1962 was 3.0 months; in 1956, 2.4 months; and in 1950 it was only 1.2 months. This indicates that between 1950 and 1966 the time required for disposing of criminal cases increased fourfold. During these years approximately 70 percent of all felony prosecutions occurred without trial.

The number of cases filed in this court was about 30 percent lower in 1966 than in 1950, while the proportion of cases pending at the end of the year increased from 25 percent in 1950 to 44 percent in 1966.

Similar conditions are found in state and local courts. At the end of 1969, for example, New York City's criminal courts had a backlog of more than 520,000 nontraffic cases, enough untried defendants to populate a medium sized city. About 177,000 of the defendants could not be located—itself an indication of inefficiency. The remaining 343,000 alleged offenders were experiencing around a year's delay between indictment and trial. Nearly 2,000 of these had been held from three to twelve months in jail without trial; 202 from one to two years, and 11 for more than two years (Kaufman, 1970). Under such circumstances, recent congressional action with respect to preventive detention may serve mainly to legitimate practices that apparently are already prevalent.

Delays are a complex problem. They have a feedback effect on one another that tends to escalate their frequency and duration. They reduce the relevance of any punitive reactions. They impede justice by making it harder to preserve evidence, to locate witnesses, or to keep the complainants interested in assisting the prosecution. For these reasons delays aid the guilty far more than the innocent.

Yet delays seem to be increasing everywhere—even where reductions have occurred in the number of cases brought before the court, in the number of trials, and in the rate of convictions. Nor are they prevented by increasing the number of court officials. For instance, in 1961, after a 25 percent augmentation of the judicial manpower in federal district courts, delays continued to grow while criminal dispositions increased by only 5 percent.

No doubt the recent development of public interest in judicial matters is a factor. Judges are more often required to justify their decisions. Justification entails the maintenance and utilization of court records. Records consume time both in their preparation and their use. To illustrate, the Los Angeles County courts of limited jurisdiction produce around 1.7 million sheets of records in a year (Hayden, 1966). In addition, the clerk's file on felony cases runs from about five to twenty pages, with exceptional cases consuming several hundred pages. Since felony dispositions amount to more than 19,000 per year in this county, their records probably include more than 200,000 sheets of information. This amounts to a total of around two million sheets. Assuming that these could be read at a rate of two sheets per minute, it would take a person two thousand days to read the materials produced in one year. Eight social workers, researchers, or legal reporters would be

employed full time merely to read the materials. Digesting the information, analyzing it, and preparing it for public consumption would probably take them another year. Such work is nevertheless a necessary first step if the community is really to be informed regarding court operations. Hence there is obvious need for a judicial information system utilizing microfilm and magnetic tape along with computerized storage, retrieval and processing if this task is to be performed. The same system would also provide the documentation needed to evaluate the effectiveness of court procedures.

Reflecting the growing interest in judicial affairs are many appellate decisions and legislative enactments that regulate the conduct of courts and protect the rights of defendants. These have undoubtedly increased the amount of time required to process a criminal case. Federal rules of procedure, for example, demand a pretrial hearing on motions to suppress evidence, and they allow for the renewal of such motions at the time of trial. Many states have similar rules. Among the most important court decisions are those in the cases of Durham, Jencks, Brady, Mallory, Miranda and Escobedo. Durham resulted in a substantial increase in the number of mental examinations relating to the defendant's culpability. Jencks and Mallory pertain mainly to the admissibility of evidence. When a confession is challenged under the Mallory rule, the court must hold a hearing in the absence of the jury to determine if the confession can be admitted. Under the Jencks ruling, time is consumed during trial while the court decides if certain witnesses for the prosecution must be produced for examination by the defense counsel. Miranda and Escobedo hold the court responsible for determining the legitimacy of investigations conducted by the police. These rulings, and others like them, may tend to delay disposition even though their primary intent is to insure a fair trial.

Delays that occur for the above reasons are partly a matter of logistics. They could be greatly reduced by better staffing, scheduling and case processing. Information systems should go far towards alleviating problems of schedule and procedure, while additions to court personnel should also be helpful.

Many other delays, however, seem to have a different motivation. For instance, the cases of defendants released on bail are processed much slower than those of persons held in jail. The previously mentioned District of Columbia study shows that in 1950 the jailed defendants were sentenced or discharged in an average of 62 days, compared with 104 days for those granted bail. Both groups, of course, took longer in 1965—116 days for jailees and 142 days for bailees. In addition, the jailed suspects

have a decidedly higher rate of convictions. Thus, defendants with adequate financial resources are able to remain out of jail prior to trial and to delay their convictions longer. They also have a much better chance of avoiding conviction.

Other delays that appear to work to the advantage of selected defendants are related to the filing of motions, continuances and appeals. Motions may be made for the discovery of information, mental examinations, suppression of certain evidence, severance of the cases of codefendants, postconviction remedies, and so on. Such motions are being filed with increasing frequency. In the federal court of the District of Columbia, for example, the number of motions filed was more than 60 percent greater in 1965 than in 1950 despite a reduction in the number of cases brought before the court. The greater the number of motions, the longer the lapse of time between indictment and disposition. When no motions were filed, the 1965 cases were disposed of in 74 days. By contrast, 153 days were needed for cases having two or more motions. The time lag is also influenced by the type of motion. Thus, mental examinations, which are called for in 10 or 15 percent of the felony trials, usually suspend court proceedings for at least 60 days.

Continuances are increasing even more rapidly. According to the District of Columbia data, their number grew between 1950 and 1965 by more than 300 percent. Furthermore, the average time per continuance increased from 29 days in 1950 to 94 days in 1965. In the latter year, nearly 70 percent of the continuances were requested by the litigants, about 45 percent by the defense and 25 percent by the prosecution. The remaining 30 percent were necessary for the court to solve problems of scheduling due to overcrowded calendars or insufficient time to terminate preceding cases.

Appeals also are increasing. The average time consumed by an appeal is approximately one year, though this varies from six months in some courts to more than two years in others. A number of courts, especially those in the federal system, are reducing this interval by weeding out the appeals that can be disposed of without oral argument. It is contemplated that such screening methods may result in the handling of most appeals in about six months. The greater use of appellate procedures, however, will continue to delay final dispositions even if the process is considerably accelerated.

Perhaps it is the case that delay has evolved into a strategy of crime control. Both the prosecution and the defense use it in achieving goals that might be jeopardized by the expeditious processing of criminal cases. The prosecution, by tactical delays, can sometimes confine offenders longer in jail without trial than they would be likely to serve if convicted. The defense, likewise,

can employ the tactics of delay in its own interest. If it exploits all opportunities for motion, appeals, and the like, official action may be deferred until community interest in the case has diminished and the defendant has had a chance to set his affairs in order.

Nor are more strenuous measures unknown. Stories may be planted in the mass media so as to make a change of venue inevitable. Officials and witnesses may be bribed, threatened, or otherwise influenced illegally. Evidence may be misplaced or mishandled. Occasionally a judge is deliberately goaded into errors that provide grounds for appeal or dismissal. Even after conviction there are ways in which the execution of a sentence may be put off almost indefinitely. Nearly everyone is familiar with cases of entertainers, athletes, or other famous persons who have remained at large for years following arrest or conviction.

Discrimination. When it comes to delays and other strategies of negotiated justice, rich defendants have a great advantage over poor ones. Poor defendants are unable to employ their own attorneys. Instead, they have access to public defenders or to counsel assigned by the court. For minor offenses they usually have no lawyer at all. Unable to make bail, they are held in jail before trial. They plead guilty more often than defendants who retain their own counsel; they are more frequently sentenced to prison; and they are less inclined to use legal remedies (Silverstein, 1965; Carlin, Howard, and Messinger, 1968). Indeed, the vast majority of poor people never utilize the services of an attorney, whereas most middle class citizens do so. Lacking the resources and know-how for legal negotiations, the poor are more likely to rely on extralegal devices.

However, the lack of resources is only one of the problems. The law itself often works to the disadvantage of the poor. Some offenses, such as vagrancy or "the lack of visible means of support," are clearly oriented towards the lower classes. While the means of support are hardly more visible among some of the wealthy, the latter rarely come under the purview of these laws. Poverty and crime are often intermixed in the law. Mothers of illegitimate children have been prosecuted under otherwise unenforced adultery and fornication laws. Mothers receiving support for needy children have had their homes subjected to night raids without search warrants in order for the authorities to discover if there were "a man in the house." Continued residence in an area has sometimes been established as a precondition for the receipt of welfare benefits. People have been evicted from their homes for violation of welfare regulations. At least one state has attempted to reduce medical care for indigents. These are some

illustrations of how the law discriminates against the disadvantaged.

The agencies of justice, too, are involved in discrimination. In the Detroit riots of 1967, for example, a total of 7,200 persons were arrested. Nearly all of those arrested were black, indigents, or of low income. Subsequently 4,260 of these individuals were brought before the criminal court, three-fourths of them (3,230) charged with looting, a felony calling for a five year sentence. This charge laid the foundation for high bail and for extended delay in processing the cases. In all of the felony cases the prosecutor demanded, and the judges, nearly without exception, imposed bail ranging from $10,000 to $20,000. Few of the defendants, of course, could make bail. For a week, until the amount of bail was reduced, many people found themselves separated from families and jobs, incarcerated in jail, and out of contact with attorneys or other resources. A University of Michigan Law School report charged that the judges had adopted a policy of expediency, abandoning their judicial roles and acting as an arm of executive government in an effort to help quell the disorder. In the end it was determined that, of the more than three thousand felony defendants, only nine had been found guilty of charges serious enough to warrant imprisonment (Crockett, 1970).

Similar treatment was accorded more than 21,000 other riot defendants in Watts, Newark, Chicago, Washington and Baltimore (Skolnick, 1969). In Chicago, for instance, the cases of riofers arrested for felonies were processed differently from other felony cases. One out of five riot felonies was dismissed at the preliminary hearing on the prosecutor's motion or because the magistrate found no probable cause for holding the defendant. An additional case in every twenty was disposed of at this hearing, either by discharge or by conviction after the charges were reduced. The remainder—nearly three-fourths of the cases—were presented to the grand jury for indictment (*Criminal Justice in Extremis*, 1969). By contrast, a study of non-riot felonies in Chicago shows that four-fifths of these cases are disposed of at preliminary hearings, leaving only one in five for presentation to the grand jury (McIntyre, 1968). Hence it seems clear that the rioters were treated more harshly than other defendants charged with the same crimes.

Sentencing. Another judicial problem is disparity in the sentencing of convicted offenders. In most jurisdictions the judge is responsible for sentencing. Yet there is little in his training or experience that prepares him for this task. Partly for this reason the judge is often assisted by probation officers who prepare presentence investigations covering the offender's personal and social

background, his criminal history, his physical condition, his attitudes and emotional characteristics, and culminating in the probation department's recommendations to the judge. Studies show that, where presentence reports are available, the judges comply with the recommendations in more than 90 percent of the cases (Trebach, 1964; Carter, 1967; Carter and Wilkins, 1967; Dawson, 1969).

The sentence imposed by a judge must fall within limits set by the law. Criminal codes provide an elaborate classification of crimes with penalties corresponding to their perceived seriousness. Within each category of offenses, however, a variety of sentencing alternatives are specified—fine, probation, imprisonment, and so on. The judge ordinarily may choose among these alternatives according to his discretionary judgment. Such discretion permits discrepancies to occur, especially in the frequency with which probation is granted and in the duration of imprisonment. Since the judge is usually the final arbiter in matters of sentencing, there is little the offender can do if he gets an unfair decision.

Several proposals have therefore been made to promote more rational sentencing policies. One proposal is to have sentences set by an administrative board comprised of specialists in human behavior. Boards of this kind have much merit, and they exist in several states. But they have been hampered at times by the political appointment of their members, by severe limitations on their authority, and by the lack of reliable information on which to base their decisions. Another proposal would have judges discuss with one another any planned sentences before they are imposed. Still another proposal would enable an offender to bring his case before an appellate court empowered to affirm the sentence, reduce it, or order further proceedings required under the circumstances. None of these proposals, perhaps excepting the first mentioned, has gained widespread support, and their use is largely restricted to a few jurisdictions.

In spite of growing concern over sentencing disparities, the lack of rationality and of uniformity continues. Some illustrative data come from the federal district courts. The federal courts, in 1958, meted out prison sentences averaging from a low of 9 months in Vermont to a high of 58 months in an Iowa district. Variations by type of crime are just as prevalent. In 1966 narcotics offenders in one district served an average of 33 months in prison, as compared with 74 months in another district. Average sentences for forgers ranged from 14 to 36 months. District averages varied from 4 to 26 months for liquor law violators, from 25 to 41 months for auto thieves, and 24 to 53 months for other offenders. By 1968 the national average for narcotics offenders had increased to 74 months,

with a high average of 12¼ years in one district and a low of 7½ months in another.

The same discrepancies are found in other courts. A study of sentencing in Philadelphia, covering nearly 1500 cases in 1956–57, revealed that the nature of the offense was the main factor influencing the severity of sentences, and that other influences included the degree of contact between offender and victim, the amount of bodily injury, the number of criminal acts covered by the charges, and the number of previous convictions (Green, 1962). It appeared that, in general, female offenders were given preferential treatment over males, youths over adults, and whites over blacks. Some consistency was shown in the sentences of the least serious and the most serious cases, but wide variations occurred in the disposition of intermediate cases.

There is convincing evidence of discrimination against Negro offenders. National prison statistics betwen 1930 and 1964 show that 89 percent of the individuals executed for rape were Negroes. In 1965 it was estimated that 63 percent of the courthouses in Southern and border States had segregated courtrooms. During a twelve months period ending in June, 1962, more than 2,000 persons served terms in Georiga's prison system because of their inability to pay small fines. Seventy percent of these offenders were black. A more recent investigation of sentences in seven Southern States reported average terms of confinement of 16.8 years for Negroes and 12.1 years for whites (Morgan, 1970). In Arkansas, the average sentences were 14.4 and 7.5 years, respectively, a difference of nearly 2 to 1. More detailed findings are given in Table 6.1.

Table 6.1 Prison Sentences: Racial Differences in Selected Southern States.

State	Negro Offenders		White Offenders		Total Average
	Proportion of cases	Average Sentence (years)	Proportion of cases	Average Sentence (years)	
Alabama	60	12.1	40	10.4	11.4
Arkansas	50	14.4	50	7.5	10.9
Georgia	65	19.6	35	12.6	17.2
North Carolina	50	17.0	50	14.5	15.7
South Carolina	47	18.1	53	11.6	14.7
Tennessee	36	22.1	64	12.8	16.5
Virginia	53	15.3	47	15.1	15.2

Source: Morgan, Charles, "Dual Justice in the South," *Judicature*, 53 (April-May, 1970), p. 380.

Other studies add to the evidence of disparity, much of it nonracial in nature. In a single State court, one judge sentenced 58 percent of his cases to prison, while his colleague sentenced only 34 percent. One judge granted probation nearly twice as frequently as the other. A further illustration involves the separate cases of two men who were convicted of forgery in amounts under $100. Each of the offenders was in dire financial straits and had substantially no prior criminal record. The penalty in one case was 30 days in jail; in the other, 15 years in prison.

Frequently it is the experienced criminal who gets the favored treatment. This is evidenced in the account of two gamblers, one a professional and the other a novice. The professional had a criminal record going back 30 years. He was arrested for managing a $4,000 per day gambling enterprise. The novice, who had no previous arrests, was apprehended for having lottery tickets in his possession. Yet the novice was sent to prison for two years, whereas the professional gambler received probation (Tydings, 1969).

These examples are by no means rare. Comparable inequities probably can be found in the files of most courts. Unless the discrepancies are explained to the community's satisfaction, their effect is likely to be a lessening of public confidence in the system of justice.

Practices such as those mentioned are of little assistance in controlling crime. They may indirectly encourage criminal behavior. Their survival therefore suggests that they serve other social functions. For example, they are certainly effective in maintaining the subordinate status of poor people, especially those labeled as criminals. Although studies of criminal victimization and self-reported offenses show little connection between law violations and social status, the cases processed through our courts come mainly from the ranks of the poor and the disadvantaged.

Conditions are not getting better. In spite of continued increases in average family income, there nevertheless have been only small gains in the financial status of the lower classes. Moreover, the rate at which poverty was being ameliorated has slowed down considerably during the past decade or so. With nearly 6 million unemployed and 25 million living in what is officially defined as a condition of poverty, it would take an outlay of more than 10 billion dollars to raise these incomes above the poverty level. Hence it is doubtful that financial subsidies and other welfare measures can ever solve the problems of justice for the poor.

Rejuvenating the System

The system of justice in practice often bears little resemblance

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to the model prescribed by law. Nearly all of the rights and protections promised defendants are regularly circumvented, frequently with the complicity of the defendant or his counsel (Blumberg, 1967). This poses a problem for those who advocate greater respect for the law as a solution to criminality. Is respect for the legal model their objective? Or is it respect for conventional practices? Since precept and practice do not coincide, support for one implies opposition to the other.

National policy on this matter seems to vacillate between one viewpoint and the other. Under the leadership of former Chief Justice Earl Warren, the Supreme Court stressed constitutional requirements and worked for their implementation. For this the court was so severely criticized that it became an important political issue in the Presidential campaign of 1968. More recently a reorganized court has toned down some of the earlier decisions. Congress also has championed the strengthening of conventional practices, especially in the field of law enforcement. It legalized preventive detention, gave the police wider latitude in criminal investigation, and established the Law Enforcement Assistance Administration.

LEAA distributes federal funds to state and local agencies in an effort to facilitate crime control. Thus far most of the funds have been spent for training personnel, developing computerized records, coordinating communications, and modernizing equipment or hardware. Other proposals include reducing the size of juries in noncriminal cases, using lay experts to assist in holding trials, in sentencing, or in working with probationers, and bringing up-to-date business techniques into court management. More funds also are being expended in jail construction and in upgrading correctional treatment. Prisons are coming under closer public scrutiny. Following the exposure of corruption and inmate abuses, for example, a major state prison was declared unconstitutional and threatened with closure.

The objective of these programs is apparently to increase the efficiency of the justice system. However, most of the programs are aimed at the official apparatus of justice, with informal measures getting comparatively little attention. This reveals a weakness in the current approach. Much of the evidence on crime control suggests that offenders processed informally do better after discharge than those who are officially labeled and stigmatized. Formal procedures may therefore be a means of criminalization. And if efficiency is defined so as to encourage the use of formal procedures, it is not clear that greater efficiency will curb crime. A more rational approach would be to assess programs and procedures, whether official or not, in terms of their impact.

Unclear objectives. There are several reasons why a more rational approach is tardy in coming. One reason is the lack of public consensus on goals. The purposes of the justice system are nuclear and inconsistent. Frequently the administration of justice is equated with the administration of punishment. Punishment, moreover, means many things to many people. Some consider it primarily a deterrent against crime. Some regard it as an act of ritualistic expiation by which an offender atones for his wrongdoing. Some see it as an exclusionary device, protecting society from repeated offenses by removing the criminal from its midst. Some would use punishment as a technique of reformation. Mention is rarely made of the role punitive methods play in the management of social status, though this, as we have seen, is the function for which they are perhaps best fitted.

Functions like subordination, exclusion, reformation, expiation and deterrence are often mutually exclusive. They call for different policies and strategies. Programs intended for one purpose may make another harder to achieve, while those designed for all the objectives really have no practicable target. Until some priorities are established, little progress can be made in any given direction. Hence the first objective of the justice system should be to determine its objectives and their relationships.

In the absence of clear priorities or guidelines, traditional methods tend to win by default. A case in point is the people's faith in punishment and repression. Whenever its attention is focused on some specific kind of criminality, the community's immediate reaction is to insist on longer prison sentences, to make them mandatory, and sometimes to demand wider use of the death penalty. Then after these measures fail, or make matters worse, the citizens and their lawmakers generally retreat to a more moderate position. In the end they may legalize that which was formerly punished as crime.

Such shifts in opinion and official reaction occurred several generations ago in efforts to control the use of intoxicating liquor, and the same phenomenon was repeated more recently in connection with certain sex offenses, attempted suicide, and abortion, for example. The most notable present illustration is the campaign to stamp out marihuana use. Perhaps gambling is the best prospect for future shifts in policy. It might seem that recurrent experiences of this kind would mitigate against the careless use of repressive measures, but there is no good evidence of such a trend at this time.

Inadequate laws. Another reason for slow progress in justice is the recalcitrance of the law. The language of law is itself a specialty that is sometimes so obscure as to be unintelligible to any

except members of the legal priesthood. Even lawyers may have to wait for court decisions before they can speak with authority regarding the law's content. An example is the following statement from an official taxpayer's guide issued in 1971:

> Bribes and kickbacks to nongovernmental officials are deductible unless the individual has been convicted of making the bribe or has entered a plea of guilty or nolo contendere.

Although the substance of this statement seems clear enough, a person preparing his income tax may have questions about its intent or its use by the authorities. On occasion a law's logic may be defective, as in the case of an old statute which provided that: "Two locomotives, when meeting at an intersection, shall come to a complete stop, and neither shall move forward until the other has passed through."

Greater difficulties, no doubt, are produced by laws passed without any intent of enforcement. By enacting such statutes, legislators are able to dodge wearisome political issues. One faction of voters is appeased by their enactment, while another faction is satisfied by their nonenforcement. The "blue laws" and laws against the sale of contraceptives are some examples. In most places these are openly violated without fear of reprisal. It is also a striking fact that the people who insist on retaining such laws are often among the last to assist in their prosecution.

Different from nonenforcement is selective enforcement of the law. Many laws specify extreme penalties for minor offenses. In such cases it is not expected that the penalties will be invoked with any regularity. Rather, they are used by the prosecutor as a club in obtaining confessions. In this respect the law becomes the instrument of its own enforcement, relieving the police and prosecution of the necessity of more conventional investigations. Among laws intended for selective enforcement are those providing for the lifetime imprisonment of persons convicted of two or more felonies. Such "habitual criminal" laws are found in several States. They are used primarily as a threat against recidivists who are given a choice of pleading guilty to specific charges or running a risk of conviction as habitual criminals. Technical regulations governing the conduct of probationers and parolees are sometimes employed in a similar manner. These offenders can be returned to prison—or to court in the cases of probationers—for noncriminal violations instead of being tried on new charges.

There is still another branch of criminal law where the integrity of enforcement seems inclined to deteriorate. This deals with laws covering morality, including prostitution, gambling, narcotics traffic, homosexuality, and the like. Such "crimes without victims" require a willing participant who is averse to assisting the police

in preventing his own exploitation. Selective or sporadic enforcement is an almost inevitable consequence of the difficulties involved in detecting these offenses. Frequently the police have to use entrapment, paid or protected informants, and other unsavory methods. Sometimes the tactics of the authorities are as offensive, and possibly as illegal, as the crimes they are intended to suppress.

Many authorities nevertheless advocate the perpetuation of these laws. Severe penalties, even though rarely used, are also seen as an advantage, since they simplify the problem of enforcement as mentioned above. In addition, the management of vice is a highly profitable enterprise. It therefore seems likely to survive in spite of any attempts to eliminate it.

For these reasons some legislators are beginning to look to the so-called vices, especially gambling, as a source of public funds. By legalizing off-track betting, for example, New York officials have estimated that 200 million dollars can be added annually to the state's treasury. Recent surveys suggest that such a profit would require a betting volume of $2.5 billion—assuming that gambling salons handled betting on sports other than racing, that winnings were tax-free, and that the minimum bet were lowered to one dollar. The planned gambling enterprise is designed for its appeal to low income customers. Since winnings are presumably proportional to the amount contributed in bets made, it is not clear that the legalization of gambling will increase the financial status of the poor. However, the promise of a big pay-off may make their plight much more palatable. And their losses will no doubt replenish the state's financial coffers, in this way helping to solve its tax problems. It is not clear that justice is served by the expedient of legalization, nor is there any certainty about the superiority of present laws.

Court policy. The same questions can also be raised about judicial procedures. Judicial activities, like most other social enterprises, are controlled by both formal and informal norms. In the courtroom, for instance, events are regulated by a vast array of formal prescriptions. Laws and other official rules govern the roles played by judges, attorneys, court aids, defendants, witnesses, and spectators; they specify the criteria for granting a law degree or a license to practice; they define the conditions and procedures of litigation; and they spell out the rights and responsibilities of the litigants, their representatives, and other participants.

Informal expectations generally cover matters of speech, dress, and conduct, though these things are also subject to some formal constraints. Despite the contentiousness of many of the proceedings, it is expected that mutual expressions of courtesy and an attitude of dignity will prevail in court. The judge is officially re-

quired to rule on legal questions; he is informally expected to learn his subject well, to be objective and impartial in his rulings, and to maintain the integrity of the judicial process. Attorneys are required to proceed in a lawful and orderly manner, and it is expected that they will present forceful and concise arguments in serving the interests of their clients. Other participants have their particular assignments, each of which is regarded as essential to the legal process.

The implicit assumption behind legal procedures is that if everyone involved plays his role properly the result will be a true and just decision. This indeed is the main goal of the proceedings. However, a true decision and a just decision are not always the same thing. An empirically true decision is one that agrees with the facts in the case, whereas a just decision, in legal terms, is one obtained in accord with the rules of procedure and of evidence. Court officials may therefore face a dilemma demanding a choice between goals and norms. In such cases the legal ritual seems often to place a higher value on procedures than on the factual adequacy of the substantive decisions.

For example, a major consideration in assessing the performance of judges is the number of instances in which their rulings have been overturned by higher authorities. Since procedural errors furnish the chief grounds for appeal to higher courts, it is not surprising if many judges are particularly attentive to such matters. Yet personal bias and selective perception may be more important than procedural error in determining the empirical correctness of court decisions. Studies show that judges, in spite of their honest efforts to avoid bias, are not very consistent in their decisions, especially in their sentencing of criminal offenders. The decisions are more often evaluated by their legal fitness than by their empirical consequences.

Prosecutors and defense attorneys face the same dilemma. Thus, a prosecutor who goes to court with everyone he believes guilty of crime may do well to get convictions in half of his cases. But if he tries only those whose conviction is almost certain, he may increase the conviction rate to about 95 per cent. While the latter policy may be politically the more expedient, it no doubt reduces the number of empirically correct decisions. The defense attorney must also decide how to handle prospective clients he believes to be guilty. By refusing these cases, he forces them to find another defender, probably a professional competitor, and he runs the risk of reducing his income. By defending them to the best of his ability, he may come to feel responsible for acquitting a number of his clients who are in fact guilty.

There are no easy solutions to such problems of role conflict.

Training, experience and ideology, however, may tend to alleviate the sense of personal responsibility by encouraging lawyers to think in terms of their client's legal vulnerability, rather than his factual guilt or innocence. Some lawyers argue, for example, that a person is innocent until proved guilty in court. An attorney therefore cannot really know a client's guilt prior to the court verdict. Although he may be suspicious of some of his client's testimony, it is the jury's responsibility to determine its validity. And the rules of the adversary system, such as the obligation of confidentiality between lawyer and client, make this kind of argument feasible except in obvious cases. Moreover, a good attorney does not gain his reputation by handling the obvious cases. He gains more in winning the questionable ones.

Consistent with the ideology of many lawyers, the rules and procedures used in arriving at a court decision are also the ones used in justifying that decision. Such circularity makes the court the final arbiter in questions of truth and justice. But if truth and justice are whatever the courts declare them to be, if there are no criteria of consequence other than court procedures, then the maintenance of procedural patterns becomes the major function of the court system. The energies of officials, accordingly, are devoted primarily to norm formation and norm enforcement.

Such ritualism and extreme emphasis on pattern maintenance are likely to occur whenever the norms dominate the other elements of any social system. But they do not help in achieving the objectives for which the system was established. It is typical of ritualistic organizations that the stronger the opposition they encounter the more they rely on traditional procedures. Instead of developing new policies better suited to goal attainment—or modifying old ones to the same end—they can think of nothing but preserving their orderly operations. Hence the system of justice may soon have to decide whether it is better to preserve the arrest → conviction → punishment model or to formulate new models hopefully more proficient in crime control and prevention. In view of the prevalence of diversions from the traditional model, it might seem that this decision has already been made. But the diversionary model has not been officially acknowledged, nor is it receiving the attention it deserves in the current movement towards judicial reform.

Chapter Seven: Corrections and the Community

The Problem

The American system of corrections is comprised of a variety of penal institutions, correctional facilities, and treatment programs administered by federal, state, county, and municipal levels of government. On any given day the system handles about 1.3 million convicted lawbreakers. It receives more than 2.5 million offenders per year. Its annual budget for operations is well over a billion dollars. The details for 1965 are given in Table 7.1.

Table 7.1 Correctional Programs in the United States, 1965: Offenders, Employees, and Operating Costs.

Type of Program	Offender Population: Daily Average	Employees	Operating Costs: per Year	per Offender
For Felons:				
Institutions	221,597	51,866	$435,594,500	$1,966
Community	369,897	6,352	73,251,900	198
Subtotals	591,494	58,218	508,846,400	
For Misdemeanants:				
Institutions	141,303	19,195	147,794,200	1,046
Community	201,385	2,430	28,682,900	142
Subtotals	342,688	21,625	176,477,100	
For Juveniles:				
Institutions	62,773	31,687	226,809,600	3,613
Community	285,431	9,633	93,613,400	328
Subtotals	348,204	41,320	320,423,000	
Totals	1,282,386	121,163	1,005,746,500	

Adapted from *Corrections*, Task Force Report to the President's Commission on Law Enforcement and the Administration of Justice, U.S. Govt. Printing Office, 1967, p. 1.

About two-thirds of the convicted offenders are under supervision in the community, while the remaining one-third are confined in institutions. Of the more than 420,000 individuals confined, 220,000 are felons, 140,000 are misdemeanants, and over 60,000 are juvenile delinquents. The cost of operating the correctional institutions exceeded 800 million dollars in 1965: an average of $2,000 for each felon, $1,000 for each misdemeanant, and $3,500 for each juvenile offender.

An additional 850,000 offenders are in the community on probation or parole. These programs are operated at an annual cost of around 200 million dollars. Since it costs only one-tenth as much to supervise an offender in the community as it does to confine him in an institution, the use of probation and parole has been growing much more rapidly than prison confinement. Moreover, these alternatives to incarceration, if properly managed, do not seem to involve any increased risk to the community.

The main problem in corrections is the ineffectiveness of the traditional prison. Maximum security prisons, such as the one recently abandoned on Alcatraz Island, neither protect society nor reform the offender. In spite of the lip service given to rehabilitation and to the successful reintegration of the offender into civilian life, the fact remains that many prisoners live under conditions that are more debilitating than rehabilitating—conditions that encourage patterns of immorality, dependency, manipulation, irresponsibility and destructiveness.

Many prisons, especially the oldest and the largest ones, are only warehouses for storing human outcasts. They are obviously more adapted to control and containment than to correction and reintegration. If reintegration were truly the goal of society, these vast warehouses would soon be consigned to a museum along with the scaffold, the rack, the ball and chain, the scarlet letter and other relics of the war that man has waged against himself in the interest of social order.

The choices confronting society are to reform the outmoded prisons or to replace them with more effective programs of correction. Reform is difficult because of the large size of these institutions, their unwieldy construction, their isolation from the community, their reliance on force and punitive measures, and their traditions of inmate regimentation and subordination. The federal experience with Alcatraz suggests that it may be easier to develop alternative facilities than to reform a tired, worn-out institution.

Replacement of the prison is also hard to achieve, however. One obstacle is the huge public investment in resources—funds, physical plant, equipment, personnel, statutes, and administrative machinery—already committed to maintaining these institutions. Another factor is the people's faith in punishment and repression as methods of crime control. This often challenges the legitimacy of measures other than incarceration. Even more important, perhaps, is the prison's heritage as a charitable institution. Imprisonment was adopted less than two centuries ago as a humane substitute for the much harsher physical punishments given law violators at that time.

Historical Origins

The benevolence of imprisonment, as compared with corporal punishment, can be understood if we consider the conditions that gave rise to its development. Roman law, a model for the legal systems of many industrial societies, was founded on a principle of *lex talionis*. This generally meant that an offender was given the kind of treatment he had accorded his victim. Gradually the "eye-for-an-eye" principle gave way to more standardized forms of punishment, such as flogging, mutilation, branding, and torture by mechanical devices.

An example of such devices was the pillory, a wooden frame mounted on a scaffold and having adjustable parts which held an offender's head and hands in a stationary position. Branding of the offender, by contrast, was accomplished by imprinting upon the forehead, cheek, or hand a symbol identifying the crime committed. In later years the imprints were replaced by badges such as the scarlet letter which adulteresses were required to wear in the American colonies. This method of stigmatizing the offender was not discontinued in England until 1829, and the pillory was used in America during the early part of the 20th century. These practices are rare in modern societies, as are other forms of corporal punishment.

Widespread public opposition to corporal punishment produced a drastic reduction in its use. But there is less consensus on the execution of criminals, especially murderers, kidnappers, and rapists. Some nations have reversed their policy in this matter on several occasions, and although capital punishment is now prohibited in many parts of the world, it remains on the statutes in the United States. Less than a third of the states have officially abolished the death penalty, even though opinion polls show that since 1960 the American people have failed to endorse this kind of punishment. The number of executions in the United States has been reduced from around 170 per year in the 1930s to less than 1 per year since 1964. Yet there are hundreds of prisoners on "death row" awaiting some disposition of their cases. A number of these have lived under the constant threat of execution for nearly a decade. It is expected that the Supreme Court may soon decide whether or not this is a form of "cruel and unusual" punishment, as mentioned previously. Whatever the court's decision may be, it is doubtful that it can produce the kind of community consensus that makes for a consistent and uniform policy.

Another traditional method of punishment that has gone into disfavor in most places is the removal of offenders from their own society to distant penal colonies. Such colonies may have been an

extension of the early Greek and Roman practices of dispatching criminals to the coal mines or putting them to sea as galley slaves. In any case, more than a score of nations, mainly in Europe and Latin America, transported criminals to widely scattered penal colonies. The practice was continued to recent times. England, for example, shipped criminals to America until the Revolutionary War and to Australia until the middle of the 19th century. It was not until World War II that France finally abolished her colonies for exiled criminals on Devil's Island and other parts of French Guiana. Russia still banishes political criminals and certain other types of offenders to isolated parts of Siberia. However, banishment and exile are rarely employed in most countries today, except for the return of foreign offenders to their native lands.

The penal colonies never were a great success, though millions of criminals were exiled there. Transporting the offenders, officials, and supplies was a considerable financial burden. Sometimes the exiles gained favor with the natives. This tended to encourage uprisings among the exiles and to discourage the development of profitable economic and political relationships between the great powers and the native peoples. Many colonies were filthy, disease-ridden, and poorly managed. The exiles often suffered from malnutrition. When such conditions became known to citizens of the great powers, there was strong pressure for reform. Because of the social and economic costs involved, it was deemed more feasible to abandon the colonies than to reform them.

Long before these methods of crime control were on the wane, jails had been established as the immediate forerunners of the traditional prison. Jails were widely used in 12th century England to detain accused persons until their cases were tried in the king's court. Soon after that they were used also for punishing convicted offenders. Beginning in the 16th century many "houses of correction" were established in Europe for minor offenders. These institutions ordinarily provided mass confinement, with little segregation by age, sex, or other condition. Although irons were used to keep the inmates under control, the emphasis was on strict discipline and hard labor. An English act of 1711 set the maximum sentence at three years.

Unsanitary conditions and lack of provisions for inmate welfare soon produced strong opposition to the houses of correction. Among the spokesmen for reform were some of the political, intellectual, and literary leaders of the time—Montesquieu, Voltaire, Thomas Paine, Diderot, Adam Smith, Bentham, Romilly, and John Howard, for example. These leaders contended that the houses of correction, instead of reforming their inmates, actually fostered crime, indolence, and disease. It was in this setting that

the prison, largely an American development, was brought into prominence.

The Prison: Restraint Model

Around 1800 the prison became the primary official instrument for correcting offenders and deterring others from crime. Restraint and isolation were the chief means by which these objectives were to be met. It was believed that solitude would lead to penitence, and that penitence, in turn, would result in the reformation of the offender.

Plans were accordingly developed in England for the construction of an ideal prison, to be called the panopticon. This institution was to be a circular, glass-roofed, tank-like structure, with individual cells along the external wall facing inward towards a central rotunda. The design enabled officers in the rotunda to keep all inmates under constant surveillance, in this way impressing upon the latter their status as criminals. Although the panopticon never got beyond the drawing-board in England, it had a great influence on prison architecture around the world. An institution incorporating its main features is still in use at Stateville, Illinois.

Modifications of this model were instituted mainly in America. One of the main issues in corrections at the beginning of the 19th century concerned the relative merits of the Pennsylvania system of prison management as compared with the Auburn system. Both systems were named after institutions that embodied their distinguishing characteristics. Under the Pennsylvania system, each inmate was assigned a single cell and a small exercise yard. These were completely enclosed to prevent contact with other prisoners. The inmate remained in his enclosure, seeing only the officers of the institution and perhaps an occasional visitor from the outside community. By contrast, the Auburn system allowed prisoners to work together in the daytime. Silence was strictly enforced, as in the Pennsylvania system, and the prisoners were confined in their individual cells at night. The inmates went to and from work in "lock-step," a slow and rhythmic shuffle in which each person in a single-file line moved forward with one hand on the shoulder of the man in front of him. In the conflict between the two systems, congregate labor gained the advantage over isolation, and by the middle of the 19th century the Auburn system prevailed in most of America.

The social organization of prisons operated under the restraint model was exceedingly simple. Lines of authority and communication ran unilaterally from warden to keepers to inmates. Everyone was treated alike. No interaction among inmates was tolerated, except in the line of duty, and only the most carefully supervised

contacts were allowed with the world outside. Reform was viewed as being entirely the responsibility of the offender. Treatment programs, social services, staff qualifications, and prison size were consequently regarded as matters of little importance. Hence many of the criticisms directed earlier against houses of correction were repeated in any informed assessment of prisons that were managed under the restraint model.

The Prison: Reform Model

Treatment, services, staff and other factors assumed greater importance as the prison's focus shifted from punishment to reform. By the beginning of the 20th century it was clear to many correctional authorities that the mass punishment provided in prison is no answer to the crime problem. Mass punishment tends to incapacitate those who are punished and to brutalize those who do the punishing. Greater emphasis was therefore placed on programs of individualized treatment. Individualized treatment encouraged the development of diversified prison programs and specialized institutions, perhaps the prison system's main contributions to crime control in the first half of this century.

Diversification resulted in the wide variety of programs found in most of today's correctional institutions. Included are academic and vocational training, paid employment in institutional industries (the pay is usually less than a dollar a day), casework and social services, medical care, religious and recreational programs, and the like. Such programs require that inmates be classified according to their backgrounds, needs and interests, making diagnostic studies an essential part of modern prison management.

These programs called for professional personnel. By 1965 about 17 percent of the workers in juvenile institutions were engaged in professional services, while in adult institutions it was around 6 percent, and less than 3 percent in jails and facilities for misdemeanants. The ratio of professional personnel to inmates was approximately 1 to 36 in juvenile institutions, 1 to 180 in institutions for adult felons, and 1 to 550 in jails and misdemeanant institutions. Some states had only one professional worker per 2400 inmates, while in many jails there were no professional workers at all (Task force report on *Corrections*, 1967).

The situation is little different today. Although the number of professional workers has been increasing, they comprise a small fraction of the total staff. Staff size varies by type of institution, region of the country, and various other factors. It sometimes equals the number of inmates in juvenile institutions, and ranges from about 10 to 33 percent of the number of inmates in adult

Table 7.2 Organization of Prison Staff and Functions.

institutions. Thus the vast majority of correctional workers are involved in custodial and maintenance activities.

Diversification and emphasis on reform have modified the staff's organization as well as its composition. Essentially, staff organization is comprised of a hierarchy of positions, each having certain duties and responsibilities, and several lines of command linking the positions in a network of communication chains and power relations. At the top of the hierarchy is the superintendent, who has administrative control over all operations. Immediately below him are the heads of divisions that manage the programs needed to keep the institution in business. Below the division heads are officers of various rankings who have more limited authority and more specific areas of concern. The main purpose of this organization is to attain both staff and inmate compliance to the official rules and regulations that are designed as guides to institutional affairs. An illustration of such an organization is given in Table 7.2.

By means of such bureaucratic organization, it is possible for communications and authority relations to be articulated. The organization furnishes a rather intricate mechanism for manufacturing policies and decisions. Everyday observations of inmate behavior are reported mainly from the lower levels of command up the status ladder to the higher levels. Here the numerous reports are collated and official decisions are made. Then the directives of the top-level administrators flow down the ladder in a unilateral sequence, from division chief to section head to officer and, in turn, to the inmates. Hence the typical pattern, especially in close-custody institutions, is for reports of a descriptive nature to move upward in the chain of command, and for directives, policies, and interpretations—reports of a prescriptive nature—to move down the ranks of employees.

In spite of the clear logic of this system of unilateral relations, there are several important defects. The system assumes that policies formulated autonomously by the top administrators are the best possible. It assumes that prison workers are fully committed to the policies announced by the superintendent and that these policies have the support of the community outside. It also assumes that inmates, who occupy a caste-like status at the bottom of the hierarchy, have no influence in the determination of policies. All of these assumptions are at odds with the prevailing evidence.

Instead of insuring agreement between rank-and-file officers and top-level administrators, unilateral authority poses a barrier against effective communication. Everyday events in the prison are perceived differently by low-rank officers and top-rank administrators. And the perceptions from above are not necessarily

superior to those from below. Persons in high authority are far removed from the scene of inmate activity. Their judgments may be impaired by the distortions of fact that tend to occur when reports are reviewed, digested, and reformulated in moving through the ranks of the hierarchy. Moreover, the bureaucratic processing of information takes a great deal of time. Frequently the highest ranking authorities are the last to learn about the impact of their decisions. For this reason, among others, bureaucratic organizations are often characterized by the tardiness of their responses to crisis situations.

Tardy and otherwise inadequate decisions are almost inevitable where there is a unilateral flow of information. The higher the rank of the administrator, the more he must depend on the reports of others, and the less he can rely on his own observations. The top administrator is ordinarily too busy with the reports of his subordinates to make many investigations on his own. Furthermore, the division heads and other subordinates tend to shelter him from the first-hand reports of officers who work directly with the inmates. Since officers of the lowest ranks are expected to carry out orders, not to evaluate them, he gets little of the critical feedback that might be most useful. Such critical feedback is discouraged in most prisons, and in some places there is no provision for it whatever.

One consequence is that many directives are concerned with general issues rather than the specifics of life within the institution. Another effect is that the directives are usually stated as universal imperatives: thou shalt and thou shalt not assertions. An illustration is the common "lock them up" policy. The immediate response to nearly all kinds of institutional emergencies is to confine the inmates and secure all gates or doors. Such a policy is inappropriate in many crisis situations. It can have tragic results. For example, many inmates have been burned to death in fires, more than a hundred in a single incident. Accidents like this are probably less likely to happen where there are fewer restrictions on feedback and other forms of communication.

Even where official communications are clear and consistent, it is difficult for many officers, especially those in the lower ranks, to make a meaningful interpretation of some policies. Lacking an opportunity to engage in the top-level discussions that might provide a satisfactory interpretation, these officers tend to become alienated from the administration. As a result, they develop an unofficial system of communication. Transactions among the officers are characterized by informality, mutual give-and-take, two-way communication, and feedback. The messages exchanged

informally are often perceived as being more relevant and convincing than those transmitted from above.

Inmates also are involved in the unofficial communications. They participate with staff members in arriving at agreements concerning which formal policies are to be enforced and in what manner. Other accommodations are made, and soon there is an informal decision-making apparatus that circumvents the administrators and their official proclamations. The institution's operations are largely determined by decisions made outside the official channels. Sometimes the administrators, many of whom are stationed behind desks in distant offices, are unaware of the informal apparatus or the discrepancies it produces between official policies and institutional practices. Even if informed, there isn't much they can do about the problem so long as they stay with the unilateral system of authority and communication. This is one of the dilemmas of the reform model of prison management.

Efforts to resolve the dilemma, until recently, were of two kinds. One was to construct numerous specialized institutions for offenders who are difficult to deal with in the typical close-custody prison. Examples are drug addicts, alcoholics, some sex offenders, the aged and infirm, the mentally ill, the physically handicapped, the assaultive cases, and so on. Specialized institutions assure a more homogeneous inmate population. Homogeneity, it seems, should facilitate intensive treatment. But it should also counteract any tendencies towards conflict between official and unofficial procedures. The argument is that inmates have a stronger commitment to treatment where the entire institution is organized around programs tailored to fit their concerns. Inmates are voluntarily involved in officially prescribed programs. Realizing that the prescribed programs are adapted to their needs, the inmates may be expected to show less interest in subverting the formal system.

This is largely the rationale for specialized institutions. How well it works is still a question. The question concerns the effectiveness of treatment, however. There is little doubt that specialized institutions have helped to alleviate many problems of prison management.

The second approach is usually associated with the one above. It takes policy making out of the institution and locates this function in a centralized correctional agency. The superintendent's task then is to implement policies that are established, sanctioned, and evaluated by his superiors in the central office. Such action is expected to lessen the motivation for staff-inmate collusion. Since the local administrators have little control over matters of policy, any attempts at policy manipulation by informal means are not

likely to be successful. And if there is no success in subversion, the effort is likely to be abandoned.

All states now have some kind of centralized correctional agency. Consequently, very few institutions have any great degree of administrative autonomy. They are linked together—loosely or tightly, individually or in clusters—in a correctional system. Yet there is wide variation in the organizaton of state agencies. One state has its programs for both juvenile and adult offenders under a single administrative authority. At the other extreme are five states with a separate board of control for each institution. Most of the remaining states have a department, a division within a department, or several divisions dealing with correctional services. Sometimes the divisions are located in massive departments whose primary functions are only indirectly related to correction. Departments of welfare, general administration, public health, and safety are some examples.

There is little information with which to assess the relative merits of these different administrative structures. However, the trend towards centralization seems to be continuing with respect to budget matters, financing, purchasing, personnel policies, staff training, information processing, research and correctional standards. At the same time, decentralization is gaining ground with regard to the location of correctional facilities, community relations, use of volunteer workers, prisoner transportation, and the adaptation of policies and decisions to local conditions.

In sum, the reform model, by stressing individualized treatment, created a plethora of new programs in the first half of the 20th century. This resulted in professionalization, a complex division of labor among correctional workers in institutions and in the community, and a bureaucratic style of correctional administration. Both treatment skills and management techniques were greatly enriched. Because of new treatment programs, many prisoners are given opportunities for training and self improvement that they never had in civilian life. Because of management know-how, a number of correctional institutions can maintain standards of health, physical welfare and security that are not achieved in numerous free communities. Prisoners generally learn the meaning of social order, even if order is established by authoritarian controls and the threat of force. Except on rare occasions, the rate of law violations in prison seems to be no greater than in the world outside.

However, prison experience prepares people only for prison life. Life in the free community is an entirely different matter. Prison virtues, such as dependency, subordination, and compliance, are not always rewarded in the world outside. This means that a

good prisoner does not necessarily make a good parolee or a good citizen. Nor does a well trained prisoner, once released, always make a self-supporting wage earner. If he cannot find work related to the training received, his efforts in prison—and those of the staff—may come to nothing.

Hence crime control cannot be achieved by the reformation of prisoners. The most relevant kind of reform has to occur in the community. If treatment programs are not available there, it reflects more the attitudes of law abiding citizens than those of lawbreakers. Accordingly, societal reconstruction is needed for effective crime control. This is where the reform model has failed.

The Prison: Reintegration Model

Important steps have been taken in the last decade to reduce the barriers between the community and the prison. Civilians, many of them volunteers, are entering the correctional institutions to provide social support for inmates. They serve as neutral observers, sympathetic listeners, unofficial counselors, and friends, learning about the crime problem and the pains of imprisonment. Inmates get a chance to interact with responsible outsiders, to learn of conditions in the community, and to sense the concern that many people have for their welfare. Social ties are established with individuals and agencies outside the criminal subculture, a new experience for many prisoners. Friendships are built that survive long after the inmates have departed from prison.

The main objective of the reintegration model is to return offenders to civilian life as responsible and productive members. Towards this end labor unions are joining forces with vocational specialists in improving institutional training programs, holding classes in employment counseling, and helping offenders to find jobs or to keep them. Teachers and graduate students are giving courses, often accredited by universities, on social problems, mental health, community resources, and related subjects. Entertrainers and lecturers are accepting assignments in prisons, usually without payment. Numerous social, civic, and governmental agencies are trying to assist in the delivery of correctional services. These are some of the ways in which aspects of the community are gradually being brought into the prison. The result is a reduction in the isolation and stigma that have long impeded the resocialization of incarcerated offenders.

Social barriers are not being modified in only one direction, however. Many aspects of prison life are being carried to the world outside. Teams of inmates and staff members are touring the countryside, conducting discussions of institutional life, and advocating correctional reforms. Several states grant furloughs to

selected inmates, allowing them to leave the institution periodically in order to renew family relationships, to consult with civilians in preparing their parole plans, or to arrange for housing and employment after release. Even a greater number provide work or training leaves which enable certain inmates to attend school or to hold jobs during the daytime while returning to confinement at night. Experience to date suggests that law violations are uncommon among prisoners on leave, as are failures to return to the institution on schedule. Instead of increasing the threat of crime in the community, therefore, these programs are becoming an integral part of the system of crime control. They serve as a graduated release from supervision and a proving ground for persons soon to be paroled.

Reintegration programs are beginning to have an effect upon activities within the institution. Many traditional custodial procedures are being discontinued, especially those that stigmatize the offender without having much influence on safety. Conspicuous uniforms and the identification of inmates by number are some examples. Routine censorship of the prisoner's mail is also being abandoned, as is the detailed screening of his correspondents and visitors. Physical contacts are more frequently permitted between prisoners and visitors. The need of privacy is being recognized, with some inmates having individual rooms that enable them to hold personal possessions in safekeeping. Slow inroads are being made in the provision of legal counsel and the preservation of other constitutional rights. Steps are being taken towards payment of going wages for inmate labor, from which the cost of institutional services can be deducted. There are many other ways in which prisons are acquiring more of the characteristics normally found in communities outside.

In general, then, inmates are given more responsibility for their own welfare and are more involved in prison management. For example, advisory councils, are often engaged with staff members in discussing prison problems and personal concerns. Sometimes these inmates participate in policy formation and in the evaluation of prison programs.

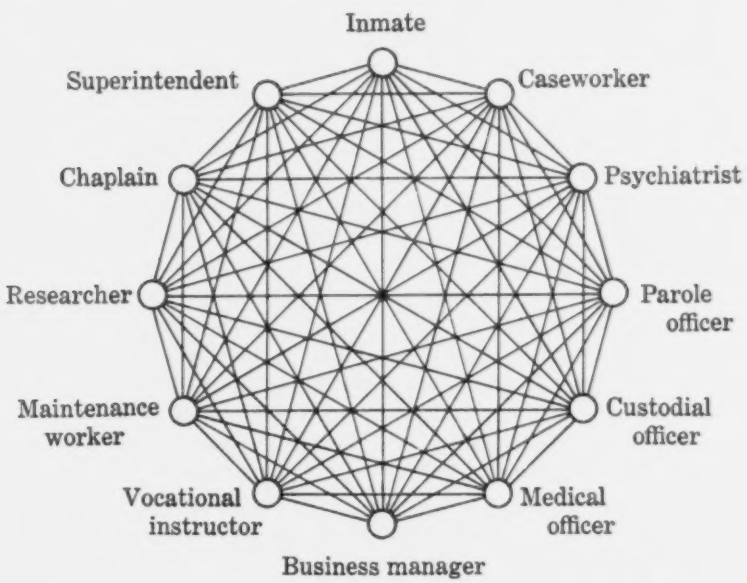
Hence the most important effects of the reintegration model are those relating to the prison's formal organization and its administrative style. There are signs that the old unilateral system of communication and authority is being modified in favor of a more flexible structure (Bradley, Smith, and Salstrom, 1970). Feedback of ideas and two-way flow of information are being incorporated into the prison's table of organization. Instead of trying to write policies that meet every possible contingency, administrators are encouraging their workers to exercise judgment and to make

needed decisions on the spot when problems arise. As a consequence, many kinds of decisions are being decentralized, and the concept of discretionary authority is making its way into prison management.

When such changes occur in management style, the superintendent and his top aides can no longer control the institution in an autocratic manner. Their role is not that of ruler but of leader. Their task is to maintain a legitimate social order and to integrate the various components of the institution by utilizing all available skills and resources. Potentially, at least, all staff members and inmates are part of the administration.

Under the reintegration model, members of the prison community are judged by their contributions to order and welfare, not by their positions in some preconceived staffing plan. The tall, narrow hierarchy of staff positions, mentioned previously, gives way to a relatively flat, flexible, tilting wheel type of organization. This is illustrated in Table 7.3. Problems are examined, policies

Table 7.3 Table of Organization Found in Some Juvenile Institutions and Minimum Custody Prisons. Compare with Table 7.2.



formulated, and programs assessed by the people most immediately concerned. When the topic under discussion is primarily in the area of the superintendent's expertise—relations with the legislature, for example—the wheel tilts so that he has the dominant

position. On other topics other persons may have more to contribute. Inmates, for instance, may play a dominant role in discussions of their attitudes and activities. In this way nearly all members of the prison community have some voice in management affairs. Accordingly, much of the responsibility for certain programs is sometimes delegated to the people, including inmates, who have the greatest familiarity with the problems involved and with each other.

While the patterns of communication and influence can be greatly enriched, the titular heads of an institution cannot abdicate their legal responsibilities. Their duties are fixed by the larger society. If their policies depart too far from conventional expectations, the community's response is swift and certain. Few administrators are insensitive to this threat.

Considerable difficulty may consequently be anticipated in any attempt fully to implement the reintegration model. The model runs counter to many of the traditions of the close-custody prison. It arouses the defensiveness of some administrators who are fearful of anything that might undermine their power and authority. It is opposed by inmates who receive preferential treatment and have a vested interest in the old order. It demands a change in the pariah-like status to which most inmates are ordinarily assigned. To implement the model, therefore, is to bring about a revolution in correctional administration and in the community's conception of the criminal.

These problems are illustrated in a recent attempt to establish a benign social climate within one unit of a large maximum-security prison (Studt, Messinger, and Wilson, 1968). By involving inmates in the operation of this unit, it was hoped to get them to treat each other with greater dignity, to exhibit respect and concern for the welfare of others, and to rely on social norms and mutual agreements—rather than force and exploitation—in managing their affairs. The inmates are reported to have responded quite well to this program. They developed stronger affiliations with staff members. They were more interested in the activities of the unit. They learned to work with each other and with staff members in arriving at more appropriate solutions to their problems.

However, the program had an early demise. According to the team of civilian workers that supervised the program, its demise was brought about by pressures from the larger institution, by decisions and policies issued from the state correctional agency, by the opposition of favored inmates housed in honor units, and by a member of the team whose bureaucratic orientation was antithetical to the program. Hence the failure of this effort, it seems, was not due to any lack of impact upon the inmates involved but to

the persistent opposition of groups and individuals who were, for the most part, only peripherally connected with its operation.

It is clear that reintegration is still only a model, a prescriptive ideal. Much remains to be learned before it can be implemented with any fidelity. Until the prisons of today are able to overcome their legacy of outmoded physical facilities, repressive policies and organization, inadequate personnel, and erroneous conceptions of criminality, the reintegration of offenders must continue to be more of an ideal than a reality. Yet the same things can perhaps be said about the reintegration of offending individuals, including noncriminal deviants, in most other communities.

Prison Society

The prison community is in many ways similar to most other societies. It has certain goals and objectives—social protection, deterrence, rehabilitation, and punishment, for instance. It has rules and other social norms by which these objectives are to be achieved. It has an organization, both formal and informal, which spells out the relevant social positions, the channels of communication, the lines of command, and the means of access to various resources. This organization largely determines how the prison's resources—staff, physical plant, equipment, supplies, treatment programs, and inmates—are utilized in the performance of its distinctive functions.

Changes in organization and functions are taking place, as previously mentioned. But the prison is still essentially a traditional institution, governed mainly by conventional assumptions concerning the control of human behavior. Many of its elements are imported with little modification from the larger society. Most important are certain beliefs and expectations regarding crime and criminals. These are not indigenous to the prison but are shared with many other agencies, such as the police, the courts, schools, churches, and welfare institutions in general. They provide much of the rationale for "total institutions"—jails, prisoner-of-war camps, military barracks, mental hospitals, monasteries, and so forth (Goffman, 1961). In such total institutions, inmates are segregated from free society, kept under close surveillance, indoctrinated by authorities, and deprived of many of the perquisites of normal social life. Although the purposes of segregation may vary, the strategies of control are remarkably similar.

Tradition maintains that the causes of crime are personal, not social or cultural. It holds that the criminal knows the difference between right and wrong, that he makes a calculated decision to violate the law, and that this decision is subject to control by the "free will." Culpable intent, in fact, is essential to the definition of

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criminality in many statutes. Moreover, persons who are considered incapable of willful wrongdoing—children and psychotics—do not come under the purview of the criminal law. Nor are they often confined in prisons designed for deliberate offenders.

Criminals, in other words, are ordinarily seen as being capable of conformity but inclined towards rebellion and antisocial conduct. Their transgressions give evidence that they are possessed of a perverse will. They are accordingly expected to violate the law by reason of choice. Because of the expectation of nonconformity, prisoners are, in effect, absolved of any responsibility in connection with prison management or policy. Officers alone are held accountable for the attainment of prison objectives, the maintenance of plant and equipment, and the enforcement of inmate obedience. Such concentration of responsibility on the officers tends to alienate many of the inmates, and the result may be to lessen the effectiveness of official norms in regulating their conduct.

Conventional conceptions of criminality also tend to portray the prison as a scene of conflict between forces of good (officers) and forces of evil (inmates). In this conflict, justice and authority are regarded as being entirely on the officers' side. Officers are consequently assigned dominant, and inmates subordinate, social positions. The positions, in addition, are fixed and irreversible, making the prison a caste system. Hence the main functions of the caste system are to clarify and stabilize people's roles in the prison community and to maintain the dominance and authority of the officials. Pattern maintenance is frequently given more emphasis than the achievement of rehabilitative goals.

Patterns of authority are maintained by social norms prescribing different roles for the occupants of different positions. Several sets of norms can be identified. First are those endorsed chiefly by the officials. Society's laws, for example, are supposed to be enforced in prison the same as elsewhere. There is an important difference, however, in that inmate violations of the law are generally investigated, adjudicated, and punished by the prison's officials, whereas in free society each of these duties is performed by a separate and presumably independent agency, especially the police and the courts. In addition, there are the institution's official rules that routinize most inmate activities—the hours of going to bed and getting up, the food to eat, the work to do, the uniforms to wear, the visitors to receive, the kind of haircut to have, and so on. There is also a code of ethics, usually informal, requiring that inmates avoid alliances with each other, that they do their "own time," that they refrain from speaking to officers unless spoken to, that they address officers as "mister," and that they in many other ways manifest their subordinate and solitary position. The

same laws, rules, and ethical codes, of course, ensure the superior position of officers in their dealings with inmates.

In juxtaposition with these norms, however, are others endorsed primarily by the prisoners. Much of the inmate code is again imported from the world outside. Thus the emphasis on autonomy, physical prowess, courage, exploitive skill and the rejection of authority is found in many working class communities as well as in prison (See Ch. 3 discussion of subcultures). Other parts of the code seem to grow out of the deprivations experienced by prisoners and out of their special concern over the length of their sentences, the amount of time spent in locked cells, sex, health, food, relations with staff and with other inmates, visits and contacts outside the institution, and various other focal issues. The inmates also tend to develop a local ethic which exhorts them never to help an official, not to "squeal" on their fellows, to be loyal to all "cons," and to resist staff interventions in prisoner affairs—to resist passively when possible, but forcefully if necessary.

Inmate norms, contrary to official regulations, do not demand uniformity of behavior. Rather, they encourage symbiotic relationships that unite the inmate body in an organized resistance aimed at subversion of the official system. For example, they tolerate a variety of autoerotic and homosexual practices that are officially prohibited. Moreover, prisoners engaged in such practices are expected to protect other inmates involved in illicit conduct of another kind. Hence infractions of official rules becomes a norm among the prisoners. In this way the sub rosa affairs of the inmates are armed against official control.

This description of the traditional prison's organization may show why these institutions are often called crime schools. The prison, a device for alleviating symptoms of disorganization in society, is itself disorganized. Three areas of disorganization are especially noteworthy. First is conflict in prison objectives. The goals of therapy, custodial security, and punishment, for instance, are sometimes mutually exclusive. Second are contradictions between official prescriptions and officially expected behavior. Although prisoners are supposed to behave according to regulations, it is anticipated that they will violate these norms if they can get away with it. Third is the discrepancy between the norms of prisoner society and the prison's official prescriptions. Behavior that conforms with one set of requirements necessarily violates the other.

Efforts at subversion are therefore bound to occur. However, the effect of such efforts is chiefly to increase social distances, to strengthen barriers against communication, and to escalate animosities among the contending factions. Sometimes, as a result, the

prison takes on the character of a smoldering volcano that is ready to erupt. On these occasions, eruptions may have to be prevented mainly by force and fear. Force and fear, of course, are not very conducive to inmate rehabilitation and willing compliance. Yet voluntary conformity—to society's norms, not necessarily the prison's—is essential if prisoners are to be returned successfully to the world outside.

Types of Inmate Response

It may be true that if all prisoners were completely loyal to the inmate code, and if all staff members were similarly committed to the enforcement of official regulations, open warfare would be the order of the day in prison. But violence is not ordinarily more common in prison than in some other communities. Nor is its potential negated by force and fear alone. It is far more often held in check by compromises on both sides and by the softening of both codes. Indeed it is fair to say that each of the codes is systematically circumvented by many staff members and inmates.

Different inmates assume different postures with respect to the codes. Some endorse the official rules and cooperate in their enforcement. Others are intensely loyal to the inmate code and avoid staff contacts whenever possible. Still others adopt both codes. joining forces alternately with one side and then another as the occasion demands. Finally, some inmates retain their autonomy by rejecting both codes and living in relative isolation. Although labels such as "Square John," "Right Guy," "Con Politician," and "Outlaw" are frequently attached to inmates employing these modes of response, we shall here use the terms prosocial, antisocial, pseudosocial, and asocial, respectively. The terms are purely arbitrary, of course, and simply indicate different patterns of commitment to the prison's social norms (For another typology see Warren, 1967, and Warren and Palmer, 1965).

There are significant variations in the careers of these offender types (Schrag, 1961). Prosocial offenders are most frequently convicted of violent crimes or naive property offenses—homicide, assault, forgery, and the like. Few have a previous record of criminality. Their criminal careers are initiated relatively late in life. Many of their offenses seem to be associated with real or imagined misbehavior on the part of a spouse or of close friends.

In prison these offenders maintain close ties with family and civilian associates. They are sympathetic and cooperative in their contacts with the authorities. They are supportive of prison regulations, believe in the efficacy of punishment, show guilt feelings regarding their offenses, and expect to pay for their crimes in order to renew civilian life with a clean slate. They are generally

naive about criminal techniques and have little knowledge of, or contact with, organized crime and underworld activities. Once released from prison, their prospects for success are good. However, early release seems to be more advantageous than prolonged treatment in prison.

Antisocial offenders, those strongly committed to the inmate code, present a diametrically opposed picture on most issues. They are highly recidivistic. Their delinquent careers are usually initiated at an early age. In most cases their careers progress through several stages—truancy, school dropout, petty theft in gangs, and instrumental theft entailing contacts with "fences" and other organized criminals—culminating in patterns of aggressive criminality, including armed robbery, other assaults, and burglary. Crime is for many of these offenders a mode of life. However, they rarely achieve positions of prominence in organized crime. Their abilities are ordinarily better adapted to the field of direct action than to the affairs of management.

While in prison the antisocial offenders continue their close association with criminalistic elements and their conflict with the agents of authority. They are generally regarded as "hardened criminals" and "real cons." Their philosophy of life tends to alleviate any feelings of guilt and to solidify the opposition of inmates against the officials. Because of their demeanor, they are likely to get long sentences and assignments to menial chores in the institution. Although their prospects for success after release are never very great, they do seem to profit from vocational training, group discussions, counseling, and other treatment programs.

Pseudosocial offenders, by contrast, are involved primarily in subtle, sophisticated, profit-motivated crimes, such as fraud, embezzlement, confidence games, professional forgery, and so on. Onset of criminality is relatively late, and it may occur after a position of social respectability has already been attained. Not many cases have a record of juvenile delinquency. Educational and occupational histories are far superior to those of antisocial offenders. Family and community backgrounds are often middle class, though there are frequent signs of inconsistent parental discipline and family discord. It seems that their facility in role playing is acquired at an early age, and these offenders are commonly described as being congenial individuals who have extraordinary skills in interpersonal relations.

These offenders continue in prison to display their chameleonic skills in shifting their allegiance from inmates to staff members and vice versa. They have a vast repertoire of social roles and are highly pragmatic in fitting the role to the occasion. This enables them to exploit the conflicts and contradictions that are inherent in

the prison community. Their strategic position between staff members and many of the inmates enables them to play the role of moderator in numerous disputes, resulting in important rewards, including short sentences, reduced custody, and favored prison assignments. Participation in treatment programs is likewise common. After release, however, the recidivism rate is quite high, depending upon the degree of supervision and the pattern of offenses in which the pseudosocial criminal was previously involved.

The fourth type of response pattern is that of the asocial offender. Offenders of this type are often involved in crimes characterized by the use of bizzare methods without clear motive or reason. Severe behavioral disturbances are frequently shown at an early age, although the first arrest may be considerably delayed. Social skills and ability to use symbols are generally retarded. Direct and immediate aggression is a favorite means of solving problems. The careers of these offenders are marked by their egocentric and extrapunitive behavior, their apparent inability to profit from mistakes made or to plan for the future, and their distrust of personal ties of any kind. Perhaps the most striking findings in the social backgrounds of asocial individuals, however, is the evidence of early parental rejection and the frequency with which these persons are reared in institutions or shifted from one foster home to another.

Asocial offenders are the prison's main troublemakers. Their conduct records are distinguished by a large number of involvements in riots, escape plots, and assaults upon both inmates and officers. Their style of life inclines them towards violence and rebellion. Yet their undisciplined aggressions and their lack of capacity for cooperative enterprise means that most of their attempts to subvert the official system are destined to fail. These offenders resist any kind of intervention, and their voluntary participation in treatment programs is uncommon. Nor is there evidence that prison treatment is beneficial. Recidivism rates are extraordinarily high.

The above descriptions of typical orientations towards staff and inmate norms indicate a lack of consensus or complementarity. Asocial inmates reject both codes and adopt a nihilistic mode of response. Meanwhile pseudosocial prisoners play it cool. They exploit normative conflicts and ambiguities to their own advantage. They utilize their role playing skills in a relentless game of pragmatism. Antisocial criminals, by contrast, are reared in an environment consistently at odds with the legal order. They accordingly attach themselves to inmate norms that are largely a counteraction against prevailing middle class standards. Pro-

social offenders, again, ally themselves with many staff members in defense of middle class norms. But they are rejected by most inmates as a result. Hence it is doubtful that a majority of the inmates in any prison give their unqualified approval to either set of norms.

However, the lack of consensus may work to the prison's advantage. Diverse orientations, in interaction with one another, may produce the kind of fluid and unstable equilibrium that is so commonly observed in prison communities. It is an uncertain equilibrium, one that can ordinarily tolerate a large amount of disorder. The equilibrium exists, in spite of the rigid demands of most formal regulations, because of the influence of informal constraints on both staff members and inmates. It gives the prison sufficient flexibility to survive as a social institution. The system's flexibility enables most inmates to make fairly easy adaptations to the many shocks and strains that are occasioned by changes in prison personnel, in programs and policies, and in many other factors usually considered to be under complete control of the authorities.

Prison Equilibrium and Inmate Involvement

Some research suggests that prisoners, in general, behave in accord with the principles of balance theory as outlined in chapter 3. If correct, the findings may help to explain the kind of social equilibrium found in most prison communities. Antisocial inmates, for example, have favorable opinions regarding the unwritten laws of prisoner society and negative views of official rules. In addition, staff members ordinarily have negative attitudes towards these inmates, while the majority of prisoners are much more favorably disposed. Furthermore, the antisocial offenders seem capable of perceiving staff and inmate attitudes with a fair degree of accuracy. They may make errors in specific cases. But they generally know who is favorable towards them and who is not, and they can also sense the normative attachments of most inmates and officials.

What we have, then, is a balanced social system in which nearly everyone is in agreement regarding the roles of antisocial inmates. The fact that the system is balanced may help to account for its resistance against change. See Table 7.4 for some illustrations.

Balance is likewise observed in the systems of the remaining offender types. Prosocal inmates are better informed about official norms than inmate expectations. They use the official rules as standards of conduct in spite of inmate opposition. They are very similar to antisocial criminals in stressing collective values such as loyalty, mutual aid, and group solidarity. But their allegiance is

Table 7.4 Balanced Social Systems Among Types of Offenders.

Solid arrows represent positive (+) or negative (−) attitudes towards staff and inmate norms. Double broken lines represent attitudes of staff members and inmates towards offenders of a given type, while single broken lines represent a certain type of offender's perceptions of staff and inmate attitudes. Compare with Table 4.4.

directed towards middle class standards rather than inmate codes. Hence they get little support from the inmate body.

Pseudosocial inmates are more tolerant of logical ambiguities. They endorse both sets of norms and accordingly receive considerable support from both staff members and inmates. However, they tend to emphasize personal achievements rather than collective goals, exploitive strategies rather than conventional procedures, and affective neutrality rather than strong identifications with persons or social conventions. Asocial offenders, by contrast, reject all norms and are generally rejected by the prison's residents, officials and inmates alike. They avoid affective attachments and are inclined towards impulsive or expressive behavior. In spite of their high visibility in prison, they are normally social isolates.

If we are willing to make the rather drastic assumptions needed to apply balance theory in these cases, the evidence suggests that all types of offenders have balanced social systems. The prison is accordingly an appropriate illustration of a disorganized society that is held in a precarious equilibrium by the distinctive roles its members play. Complete disruption is usually prevented by variations in the inmates' normative orientations, their patterns of social participation, and the modal responses of the prison community.

The data also show that normative orientations vary according to the time served in prison (Wheeler, 1961; Garabedian, 1963; Glaser, 1964). For a brief time after admission and again shortly prior to release there is a decided tendency for many inmates to show a stronger attachment to official norms. During the midportion of their sentences the inmates are preoccupied with prison affairs and more supportive of inmate norms. However, the prosocial and antisocial offenders are mainly responsible for this U-shaped distribution of normative orientations, since the affective neutrality of most asocial and pseudosocial inmates seems to insulate them against many of the influences of time.

Some evidence on the effects of prison relationships was obtained by getting inmates to report the frequency of their social contacts as compared with what they considered to be normal for most prisoners (Schrag, 1961). Prosocial offenders reported an excess of contacts with staff and few relationships with prisoners. Antiocial prisoners contended exactly the opposite—few relations with staff and many with inmates. Pseudosocial inmates claimed more than the average amount of interaction with both groups, while the asocial residents indicated feelings of isolation. Moreover, it appears that all types of inmates selected their closest friends from the ranks of those who belong to their own type. The single

exception is the prosocial type, which had slightly more pseudosocial than prosocial friends.

When the inmates were asked to identify prison leaders, however, they chose a disproportionate number of asocial offenders. This was true even of prosocial and pseudosocial inmates whose normative orientations are markedly different from those of the persons chosen. Perhaps the rationale for these choices is given in a statement made by one of the respondents: "One thing clear is that outlaws aren't going to make any deals with anybody." Evidently prisoners in a close-custody institution prefer to rely on leaders who avoid affective attachments and other social involvements. The inmates' suspicions concerning other types may therefor result in leadership status for those who are least capable of organizing any kind of group effort. See Table 7.5.

Presumably, then, leadership in a close-custody prison is often exerted by its most negativistic and least improvable members. The asocial offenders encourage aggression and resistance against the staff while minimizing the status of the more tractable inmates. Yet these offenders have no monopoly on informal influences. Each of the offender types tend to give a strong minority of its votes to inmates from its own ranks. This suggests that leadership patterns can probably be modified by changing the composition of the prison population. If the less criminalistic offenders can be housed in separate institutions, they may be protected in this way from criminal socialization. Some support for this view comes from studies showing that in minimum-security institutions the prosocial offenders tend to play a relatively dominant role (Grusky, 1959; Berk, 1966; Street, Vinter and Perrow, 1966).

Whatever the characteristics of the inmates, their informal leaders have to compete for attention with a variety of formal programs. Participation in staff-sponsored activities and treatment programs varies among the offender types. Prosocial inmates have the highest rate of participation, followed in order by the pseudosocial, antisocial, and asocial types. Moreover, the prosocial inmates, to a far greater extent than the others, are involved in programs aimed specifically at therapy, while the pseudosocial and antisocial offenders tend to have preferences for the more recreational and expressive activities. If it is true that early release is more beneficial to prosocial offenders than treatment, as indicated above, then much of the staff's treatment effort is clearly misdirected. The wrong inmates are involved.

More important than treatment programs, however, are the prison's official policies and procedures. Official norms tend to perpetuate the balanced social systems of the inmates. The hard line normally taken by officers in dealing with antisocial inmates,

Table 7.5 Typical Social Systems in a Close-Custody Prison.

Criminal Types	Normative Orientations				Social Contacts		Treatment		
	Staff Norms		Inmate Norms						
	Knowledge	Attachment	Knowledge	Attachment	Staff	Inmate	Therapy	Recreation	Effect
Prosocial	+	+	−	−	+	−	+	−	−
Antisocial	−	−	+	+	−	+	−	+	+
Pseudosocial	+	−	+	−	+	+	−	+	+
Asocial	−	−	−	−	−	−	−	−	o

Plus signs represent higher than average scores, minus signs less than average, o no effect. Adapted from C. Schrag, A Preliminary Criminal Typology, *Pacific Sociological Review*, 4 (Spring, 1961), 11–16.

for example, may merely strengthen the conviction of these offenders that society is against them. At the same time, the leniency, favoritism, and preferential treatment which often characterize the officers' relations with pseudosocial inmates may tend to reinforce the very kinds of adaptations that get these offenders into trouble. According to balance theory, a better way of producing desired changes in inmate behavior would be for staff members to reverse their usual methods of handling these two types of offenders. Getting officers to change their ways may be a difficult task, perhaps no less difficult than getting inmates to change theirs. If it can be done through staff training and policy revisions, it may facilitate some compensatory reactions on the part of the inmates. But until it is done the prison is not likely to serve its rehabilitative function.

In spite of the proliferation of treatment programs during the last decade or two, there still is no convincing evidence that prison treatment, as practiced, is beneficial. Most programs are aimed at improving certain of the offender's skills instead of changing his social position within the prison and in the world outside. As a consequence, the factors manipulated in prison treatment have little bearing on the prospects for success after release. Group counseling, psychiatric treatment, and conventional casework may alleviate some of the pains of imprisonment, but the post-institutional performance of offenders receiving such treatment is not significantly better than of those who do not (Bailey, 1966; Kassebaum, Ward and Wilner, 1970). Nor do long sentences, with or without treatment, protect society better than short ones. Indeed, if type of offense, previous record, and other variables are held constant, it appears that the longer the sentence the higher the recidivism rate (Mueller, 1965; Crowther, 1969; Jaman and Dickover, 1969). Although the prison is well equipped for punishment, exclusion, and status management, these may no longer be its intended functions. Before it can serve the purpose of social reintegration, distinct changes in policies and treatment programs are needed.

Community Treatment

Evidence of the ineffectiveness of prison treatment has encouraged the development of alternatives to confinement. Some alternatives are employed early in the judicial process, even before a criminal conviction has occurred. Others are adopted after conviction but before prison commitment. Still others take place after the offender has been admitted to prison. Parole is an illustration of the last mentioned variety.

Parole. It is not clear that the extensive use of parole has re-

duced the amount of time offenders spend in prison. Nor is it clear that it reduces the recidivism rate (Mueller, 1965). Just the opposite may be the case. Parole rules have been increasing in number and complexity, making it harder for parolees to avoid technical infractions (Arluke, 1969). And it appears that the greater the intensity of parole supervision, the greater the proportion of parolees who are returned to prison for rule infractions of a noncriminal kind (Robison and Takagi, 1968). Hence the number of parole rules, the amount of time officers have to spend with their clients, and recidivism rates may have important interrelationships.

This means that current trends towards smaller caseloads might be a misdirection of resources. Although small caseloads seem to increase the number of technical violations, they do not appear to have any significant influence on the number of crimes committed by parolees (Havel, 1965). If return to prison for technical violations prevented subsequent infractions of a more serious kind, small caseloads could perhaps be justified on this account. Whether more serious offenses are prevented has not been fully investigated, but present indications are that crime prevention is not achieved by the enforcement of technical rules. Unless preventive effects can be demonstrated, it seems unlikely that the interest of justice is served by returning parolees to prison for activities that are condoned in the rest of the population. It is certain that many are returned for noncriminal reasons, though the extent to which this occurs is presently unknown.

Instead of having a double standard, it would be better in the long run to set caseloads according to the requirements of crime prevention. Some parolees no doubt require more supervision than others. Caseloads should therefore be flexible, depending upon the degree of crime-risk presented by the parolees. And the rules should be aimed at making criminal activities visible, not at enforcing multiple standards of morality.

California's parole work unit program is a step in the direction of greater flexibility. Parolees are classified as requiring minimal, average, or maximal supervision. A standard caseload is comprised of about 120 minimum supervision cases, or 40 average cases, or 25 requiring maximum supervision. Some officers have mixed caseloads, while others specialize in handling parolees of a certain kind. After several years of experience with this program, the California authorities decided that many offenders formerly held in prison can be kept in the community under varying degrees of supervision. The financial cost is much less than that of imprisonment, and there is no increase in recidivism (Robison and Smith, 1971).

Release and furlough. Partly as a result of the conditional suc-

cess of parole, many states are beginning to release prisoners while technically serving their sentences. More than half of the states have statutory provisions for work or training release, and about 22 of them have operational programs (Johnson, 1970). Inmates are released during the day to attend school or to hold jobs in the community. Some spend the night in halfway houses or jail annexes instead of returning to prison. In most places the number of participating inmates is very small, reaching as many as a thousand only in North Carolina.

Preliminary reports on these programs are nevertheless favorable (Cooper, 1970). Inmates on work release in North Carolina earn an average of about $3,400 per year, approximately $250 more than they made prior to commitment. Their average stay in the program is a little more than ten months. Around 16 percent are retained by their employers after discharge from prison, and this proportion seems to be increasing.

The firms involved typically employ about four or five prisoners at a time, with an average of twenty-four per firm during a five-year period. Most employers are supportive of the program. Ninety-two percent state a preference for hiring ex-prisoners with experience in work release over those serving their entire sentences within the institution. Expansion of the job market for ex-prisoners may therefore be one of the program's unanticipated consequences.

Prisoner furloughs are also being used with increasing frequency. Furloughs differ from the previously mentioned release programs. They are temporary leaves granted for purposes such as preparing parole plans, locating employment or housing, consulting advisors and handling personal affairs, strengthening family ties, and so on. Experience to date suggests that prisoners ordinarily use the leaves for the purposes intended, and that law violations or failures to return to prison on schedule are infrequent (Holt, 1969).

These are some of the ways in which the criminalizing effects of imprisonment may eventually be alleviated. Thus far their direct influence on criminality has been minimal. They do not seem to produce any great reduction in recidivism, in time served, or in the rate of prison admissions. But they may tend to soften the abrupt transition from prison to the community, to lesson the prison's isolation, to modify its architecture and its policies regarding community contacts, and to discourage the construction of massive close-custody institutions.

More important, no doubt, are the programs' indirect effects. Among these are the freer exchange of information about prison life and its consequences, the greater involvement of civilians and

ex-offenders in prison affairs, and the growing recognition of community influences—employment, housing discrimination, public finance, civil rights, opportunity structures, social ties, etc.—in matters of crime control. Through these programs we are learning that recidivism and crime prevention are more community problems than prison problems.

Probation. Better results are generally reported, however, when the alternatives to confinement are employed prior to incarceration. Probation disrupts people's lives less seriously than does imprisonment. The probationer's contacts with the community are not completely severed. The process of stigmatization is less pervasive. And the probationers do not have to contend with the criminogenic environment of the prison. Otherwise, the probationers and the paroled prisoners seem quite similar, although the relative proportions of high-risk and low-risk cases vary according to statutes and official policies. But the probationers, as a group, do much better than the parolees. They have a lower incidence of arrests, better employment records, and more social ties of a legitimate kind. While much of the difference is probably due to case selection at the time of sentencing, it is not likely that this is the whole story.

In 1964 the federal probation system in San Francisco experimented with random assignment of probationers to caseloads of different sizes. The objective was to assess the effects of variation in the degree of supervision. Officers having small caseloads were able to give their probationers about 14 times as much attention as those with large caseloads. Except for the lower violation rates, the findings nearly parallelled those mentioned previously for parolees. Serious infractions were about equal in large and small caseloads. But the overall violations were much more frequent in small caseloads than in large ones—38 percent versus 24 percent, respectively. Hence the main difference was in the proportion of official reactions to minor offenses, mostly transgressions of technical rules. The researchers concluded that technical violations are a function of the amount of time officers can devote to case supervision and that the incidence of criminality remains unaffected (Lohman, *et al.*, 1967).

It is often difficult to partial out the influence of variations in supervision because the size of caseloads may be related to other factors such as staff training, degree of professionalization, and efficiency of management. Several studies conducted in Los Angeles County illustrate these relationships (Adams, 1967). In 1957 probation caseloads were reduced by about one-third and the officers were given special training in case management. Within two years there was an appreciable decrease in the amount of time probationers spent in detention, in the average time the cases

remained active, and in the number of court hearings. There was also a significant increase in the use of informal services and in referrals to other agencies. Whether these differences resulted from the special training or the smaller caseloads could not be determined. However, the county continued to expand its training programs while holding caseloads at the same size.

Several years later the county instituted a work unit program similar to the one adopted by the state department of corrections. Instead of relying primarily on supervision as a means of control, more attention was focused on treatment—casework, group counseling, halfway houses, family assistance, forest camps, and the like—and on the delivery of social services. Again there was a reduction in the amount of time probationers spent in detention or other forms of supervision, along with a considerable increase in the speed and efficiency with which law violations and rule infractions were handled. There was also some indication that certain types of offenders performed best under intensive interaction with their agents, while others were more successful when contacts were minimal. Although this finding is reported in numerous studies, there is yet no clear identification of the relevant characteristics of the offender types. Even if the assignments have to be made on a trial and error basis, however, it appears that a better articulation of caseloads with client requirements is more appropriate than an across-the-board increase in the amount of supervision.

Still later it was demonstrated that delinquent boys who were ordinarily sent to forest camps could be retained in the community on probation with no increase in recidivism and at one-third the cost of the camp program. In either case, however, the recidivism rates were distinctly lower than for boys released from state correctional institutions. Many other comparisons of graduates from institutional and noninstitutional programs suggest that the latter are more successful, especially for juvenile offenders (Empey and Rabow, 1961; Empey and Lubeck, 1971; McCorkle, Elias and Bixby, 1958; Pilnick and Clapp, 1966; Wall, Elias and Axelrod, 1966). These findings support the contention that intensity of supervision is less of a factor in determining the success of correctional treatment than are things such as the degree of official stigmatization, the extent to which offenders are involved in planning their treatment programs, and the amount of community acceptance of ex-offenders who are trying to make good.

Community treatment. Energies devoted to the enforcement of technical rules could probably be better spent in providing needed services, building the offender's ties with the community, and

creating an atmosphere in which self-respect can be restored. The Essexfields project in New Jersey, for example, attempts to create prosocial norms and traditions of mutual assistance among groups of delinquent boys. Offenders under treatment and those who have graduated from the program are regarded as change agents and treatment resources. The boys live at home overnight and on weekends, but they work together during the day and their evenings are spent in group interaction sessions. These sessions are aimed at getting the boys to disassociate themselves from antisocial pressures and to participate in the formation of constructive peer group influences. Staff members view the sessions as a means of making the boys responsible for the informal norms that comprise a major part of the program. Such norms frequently become part of the official program through the boys' own initiative (Pilnick, *op. cit.*).

Other related projects, including Collegefields and Southfields, have evolved out of experience at Highfields, a residential treatment center established more than 20 years ago as an alternative to conventional confinement. Offenders selected for these projects have consistently performed better than those discharged from more traditional institutions. Although evaluative efforts have suffered from problems of research design, it does not appear that case selection alone accounts for the differences.

Another program attracting much attention is the Community Treatment Project operated since 1961 by California's youth authority (Warren, 1969). Offenders received at the state's reception center were randomly assigned to "control" and "experimental" groups. Controls were confined in an institution and released on parole in the usual manner. Experimental subjects were immediately returned to the community for intensive treatment in caseloads of about 10 (caseloads for paroled controls were around 55). Treatment given the experimental subjects was mainly determined by tests of their interpersonal maturity, but it included individual and group counseling, family assistance, academic and vocational training, employment services, and a variety of other devices. A series of follow-up studies has shown a uniform and statistically significant advantage for the experimental cases over the controls. By 1966 it was assumed that more than three-fourths of the offenders committed to the youth authority could be handled in community treatment programs, and about 600 youths were by then already involved. Savings in operational expenditures were estimated at nearly a million dollars, and this does not include the 7 or 8 million dollars it would cost to construct an institution for 600 residents.

Criticisms have been directed against the evaluative studies,

however (Lerman, 1968). It was found that two-thirds of the failures among control subjects were for technical violations, while less than one-third of the experimental cases were classified as failures for this reason. Serious violations were classified as failures in both groups, of course. But the controls were clearly more likely to be handled as failures for minor offenses than were the experimentals. At the same time, the experimental subjects had a larger number of known infractions than did the controls. The latter finding may result from more intensive contacts that occurred between staff members and experimental cases, whereas the former seems to reflect a distinctive difference in policy. Community treatment apparently shelters its clients from the double standard, previously described, that allows many parolees to be returned to institutions for reasons other than criminal behavior. Whether society would be better protected if community treatment adopted the more conventional policy is open to question.

Information needed to make a reliable assessment of these programs is not available. We know that about half of the offenders released from correctional institutions are rearrested within five years. What we do not know is the comparative rate of arrests in sections of the community from which offenders ordinarily come. There is some evidence that the two rates may be quite similar. For example, a recent cohort study of 10,000 Philadelphia boys born in 1945 shows that at least 35 percent were delinquent by the age of 18 (Wolfgang, 1970). Records of delinquency were found for nearly 30 percent of the white subjects and for more than half of the nonwhites. If these data are indicative of general trends, it may be that crime rates in urban communities are equally as high as among parolees or probationers. Ghettos and other disadvantaged areas may be expected to have even higher rates. So long as we cannot be fairly certain about differences between ex-offenders and the rest of the population, it is obvious that the assessment of treatment variations will have to be less than convincing.

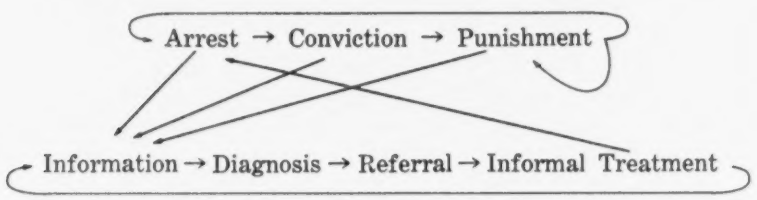
Diversion. All of the programs mentioned involve the official labeling of the offender. Potentially more important are programs that circumvent the labeling process. Diversion from the system of justice prior to conviction occurs in the vast majority of law violations. For various reasons people refuse to report offenses, plice refuse to arrest, prosecutors refuse to prosecute, and courts refuse to convict. Efforts are often made, presumably in the community's interest, to minimize the publicity on diverted cases. It sometimes appears as though the unofficial procedures are not really considered legitimate. The offenders are accordingly handled by informal methods having low visibility. Yet the resources available

for informal treatment are far more extensive than those used in official cases. Literally hundreds of agencies and thousands of individuals, officials and private citizens alike, are involved. Through these resources jobs are preserved, families are kept intact, academic and vocational training are continued, and ties between the offender and the community are revitalized. How many crime-damaged lives are salvaged is not known.

We have, in effect, two competing models of correctional treatment. One is official and based on the concept of punishment. Arrest leads to conviction and punitive reactions. The other is unofficial, founded on a philosophy of supportive services. Information regarding an offense is collated; a diagnosis is made; the problem is referred to an appropriate agency; and corrective measures are taken with little concern for stigma or punishment.

Although they are frequently considered quite separate, the two models are actually interconnected. Cases are often shifted from one form of control to the other and back again. Some points of contact are illustrated in Table 7.6. Hence the models can be combined in many different ways. It is conceivable that the various possible combinations could be assessed by examining their prac-

Table 7.6 Some Interconnections Between Formal and Informal Models of Correction.



tical consequences. The main problem is an almost total absence of information on informal procedures. So long as such information is not available to serve as a basis for comparisons, it seems rather pointless to argue the merits of the official alternatives. Work on this aspect of corrections has barely begun.

BIBLIOGRAPHIES: PROCEDURES

Law Enforcement and the Police

I. General

Adams, Thomas F., *Law Enforcement: An Introduction to the Police Role in the Community*, Prentice-Hall, 1968.

Banton, Michael, *The Police and the Community*, Basic Books, 1965.

Black, Algernon D., *The People and the Police*, McGraw-Hill, 1968.

Black, Donald J. and Albert J. Reiss, *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Field Surveys III for the President's Commission on Law Enforcement and Administration of Justice, 1967.

Blumstein, Alfred, *A National Program of Research, Development, Test, and Evaluation on Law Enforcement and Criminal Justice*, Govt. Printing Office, 1968.

Bordua, David J., "Recent Trends: Deviant Behavior and Social Control," *Annals of the American Academy of Political and Social Science*, 369 (1967), 149–163.

Bordua, David J., *The Police: Six Sociological Essays*, Wiley, 1967.

Carleton, William G., "Cultural Roots of American Law Enforcement," *Current History*, 52 (1967), 1–7.

Cramer, James, *The World's Police*, Cassell, London, 1964.

Cressey, Donald R., "The Police and the Administration of Justice," *Scandinavian Studies in Criminology*, 2 (1968), 53–72.

Edwards, George, *The Police on the Urban Frontier: A Guide to Community Understanding*, Institute of Human Relations, 1968.

Germann, A. C., *et al., Introduction to Law Enforcement*, Charles C. Thomas, 1969.

Lohman, Joseph D. and Gordon E. Misner, *The Police and the Community*, Field Surveys IV for the President's Commission on Law Enforcement and Administration of Justice, 1966.

MacNamara, Donal E. J., "Law Enforcement in Contemporary America," pp. 63–80 in *The Threat of Crime in America*, Univ. Delaware, 1969.

McIntyre, Donald M., ed., *Law Enforcement in the Metropolis: A Working Paper on the Criminal Law System in Detroit*, American Bar Foundation, 1967.

Morris, Albert, *What is the Role of the Community in the Development of Police Systems?*, Massachusetts Correctional Association, 1969.

Ollestad, Norman, *Inside the FBI*, Lyle Stuart, 1967.

Peterson, Virgil W., "Local and State Law Enforcement Today," *Current History*, 53 (1967), 8–14, 49–50.

Reckless, Walter C. and Charles L. Newman, eds., *Interdisciplinary Problems in Criminology: Papers of the American Society of Criminology*, American Society of Criminology, 1965.

Silver, Alan, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot," pp. 1–24 in D. J. Bordua, *The Police: Six Sociological Essays*, Wiley, 1967.

Skolnick, Jerome, *Justice Without Trial: Law Enforcement in a Democratic Society*, Wiley, 1966.

Smith, Bruce, *Police Systems in the United States*, Harper and Row, 1960.

Sullivan, John L., *Introduction to Police Science*, McGraw-Hill, 1966.

The Police, Task Force Report to the President's Commission on Law Enforcement and Administration of Justice, 1967.

Turner, William W., *The Police Establishment*, G. P. Punam's, 1968.

Wheeler, Stanton, *Controlling Delinquents*, Wiley, 1968.

Wilson, James Q., *Varieties of Police Behavior*, Harvard Univ., 1968.

Wilson, Orlando W., *Police Administration*, McGraw-Hill, 1963.

II. Personnel and Training

Baehr, Melany E., *et al.*, *Psychological Assessment of Patrolman Qualifications in Relation to Field Performance*, Govt. Printing Office, 1968.

Bard, Morton, "Family Intervention Police Teams as a Community Mental Health Resource," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 247–250.

Bard, Morton, *Training Police as Specialists in Family Crisis Intervention*, Govt. Printing Office, 1970.

Bell, Robert L., *et al.*, "Small Group Dialogue and Discussion: An Approach to Police-Community Relationships," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 242–246.

Blum, Richard H., *Police Selection*, Charles C. Thomas, 1964.

Brown, Lee P., "An Unforseen Problem Resulting from College Educated Policemen," *Police*, 10 (1966), 72–73.

Criminology and Corrections Programs, Joint Commission on Correctional Manpower and Training, 1968.

Dodd, D. J., "Police Mentality and Behavior," *Issues in Criminology*, 3 (1967), 47–67.

Eilbert, Leo R., John H. McNamara, and Vernon L. Hanson, *Research on Selection and Training of Police Recruits*, American Institute for Research, 1961.

Ferinden, W. E., "Psychological Criteria in the Selection of Police Candidates," *Police*, 13 (1969), 33–34.

Germann, A. C., "Education and Professional Law Enforcement," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 603–609.

Gorer, Geoffrey, "Modification of National Character: The Role of the Police in England," *Journal of Social Issues*, 11 (1955), 24–32.

Lentz, W. P., "Police Attitudes toward Delinquency Control," *Law and Order*, 17 (1969), 42–44.

Marshall, James and Helge Mansson, "Punitiveness, Recall and the Police," *Journal of Research on Crime and Delinquency*, 3 (1966), 129–139.

McNamara, John H., "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," pp. 163–252 in D. J. Bordua, *The Police: Six Sociological Essays*, Wiley, 1967.

Niederhoffer, Arthur, *Behind the Shield: The Police in Urban Society*, Doubleday, 1967.

Nowicki, Stephen, "A Study of the Personality and Characteristics of Successful Policemen," *Police*, 10 (1966), 39–41.

Oh, John C. H., "Police in a Midwestern Community," *Police*, 14 (1970), 53–58.

Piven, Herman and Abraham Alcabes, *Education and Training for Criminal Justice*, Govt. Printing Office, 1968.

Polk, Kenneth, *The University and Corrections*, Joint Commission on Correctional Manpower and Training, 1969.

Radzinowicz, Leon, *Cross Currents in the Movement for the Reform of the Police*, Macmillan, 1956.

Reiser, Martin, "The Police Department Psychologist," *Police*, 14 (1970), 24–26.

Siegel, Arthur I., Philip J. Federman and Douglas G. Schultz, *Professional Police—Human Relations Training*, Charles C. Thomas, 1963.

Skousen, W. C., "Sensitivity Training—A Word of Caution," *Law and Order*, 15 (1967), 10–12.

Smith, A. B., *et al.*, "Authoritarianism in Police College Students and Non-Police College Students," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 440–443.

Tauber, Ronald K., "Danger and the Police: A Theoretical Analysis," *Issues in Criminology*, 3 (1967), 69–81.

Toch, Hans H., "Psychological Consequences of the Police Role," *Police*, 10 (1965), 22–25.

Verinis, J. S. and V. Walker, "The Policeman and His Sensitivity to Crime," *Police Chief*, 36 (1969), 32–34.

Vignola, H. P., "The Personality of the Police Officer," pp. 101–107 in W. C. Reckless and C. L. Newman, *Interdisciplinary Problems in Criminology*, American Society of Criminology, 1965.

Watson, Nelson A. and James W. Sterling, *Police and Their Opinions*, International Association of Chiefs of Police, 1969.

White, Richardson and John H. Stein, *New Careers: The Patrolman Aid*, U. S. Dept. of Labor, 1968.

Wilson, James Q., "Generational and Ethnic Differences Among Career Police Officers," *American Journal of Sociology*, 59 (1964), 522–528.

Wilson, James Q., "What Makes a Better Policeman?" *Atlantic*, March, 1969, 129–135.

III. Organization and Policy

Alex, Nicholas, *Black in Blue: A Study of the Negro Policeman*, Meredith, 1969.

Barrett, Edward J., "Police Practices and the Law," pp. 433–448 in Rita Simon, *Sociology of Law*, Chandler, 1968.

Bittner, Egon, "The Police on Skid-Row: A Study of Peace Keeping," *American Sociological Review*, 32 (1967), 699–715.

Bordua, David J. and Albert J. Reiss, "Command, Control and Charisma," *American Journal of Sociology*, 72 (1966), 68–76.

Bordua, David J. and Albert J. Reiss, "Law Enforcement," ch. 10 in Paul Lazarsfeld, *et al.*, *The Uses of Sociology*, Basic Books, 1967.

Bristow, Allen P., *Effective Police Manpower Utilization*, Charles C. Thomas, 1969.

Cameron, Mary Owen, *The Booster and the Snitch*, Free Press, 1964.

Caplan, Gerald M., "The Police Legal Advisor," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 303–309.

Clark, John P., "Isolation of the Police: A Comparison of British and American Situations," *Journal of Criminal Law, Criminology and Police Science*, 56 (1965), 307–319.

Cook, F. J., "Law Enforcement Underground," *Nation*, 201 (1965), 496–501.

Dalby, Dwight, J. B. Hotis and J. A. Mintz, "Search of the Person," *FBI Law Enforcement Bulletin*, 35 (1966), 2–32.

Elliott, J. F., "Random Patrol," *Police*, 13 (1968), 51–55.

Esselstyn, T. C., "The Social Role of the County Sheriff," *Journal of Criminal Law, Criminology and Police Science*, 44 (1953), 177–184.

Fichter, Joseph H., *Police Handling of Arrestees*, Loyola of the South, 1964.

Geis, Gilbert, "Compensation for Crime Victims and the Police," *Police*, 13 (1969), 55–59.

Goldstein, Herman, "Administrative Problems in Controlling the Exercise of Police Authority," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 160–172.

Isaacs, Herbert H., "A Study of Communications, Crimes, and Arrests in a Metropolitan Police Force," pp. 88–106 in *Science and Technology*, Task Force Report to the President's Commission on Law Enforcement and Administration of Justice, 1967.

LaFave, Wayne R., "Improving Police Performance Through the Exclusionary Rule," *Missouri Law Review*, 39 (1965), 391–458.

LaFave, Wayne R., "Penal Code Revision: Considering the Problems and Practices of the Police," *Texas Law Review*, 45 (1967), 434–454.

LaFave, Wayne R., "Street Encounters and the Constitution," *Michigan Law Review*, 67 (1968), 40–126.

Lichtenberg, Philip, *Police Handling of Juveniles*, Govt. Printing Office, 1966.

Manhattan Summons Project, Annual Report, New York City Police Department, 1968.

McIntyre, D. M. and N. Chabraja, "The Intensive Search of a Suspect's Body and Clothing," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 18–26.

Myren, Richard A., "A Crisis in Police Management," *Journal of Criminal Law, Criminology and Police Science*, 50 (1960), 600–604.

Note, "Selective Detention and the Exclusionary Rule," *Univ. Chicago Law Review*, 34 (1966), 158–176.

O'Connor, George W. and Nelson A. Watson, *Juvenile Delinquency and Youth Crime: The Police Role*, International Association of Chiefs of Police, 1964.

Preiss, Jack and Howard J. Ehrlich, *An Examination of Role Theory: The Case of the State Police*, Univ. Nebraska, 1966.

Pringle, Edward E. and Helen Garfield, "The Expanding Power of the Police to Search and Seize: The Effect of Recent Supreme Court Decisions on Criminal Interrogation," *Colorado Law Review*, 40 (1968), 491–508.

Reiss, Albert J. and Donald J. Black, "Interrogation and the Criminal Process," *Annals of the American Academy of Political and Social Science*, 374 (1967), 47–57.

Reiss, Albert J. and D. J. Bordua, "The Environment and Organization: A Perspective on the Police," pp. 25–55 in D. J. Bordua, *The Police: Six Sociological Essays*, Wiley, 1967.

Robinson, Cyril D., "Police and Prosecutor Practices Relating to Interrogation as Revealed by Pre and Post Miranda Questionnaires," *Duke Law Journal*, 3 (1968), 425–524.

Schaeffer, Walter V., "Police Interrogation and the Privilege Against Self Incrimination," *Northwestern Univ. Law Review*, 61 (1966), 506–521.

Shafter, Albert J., "Numerical Strength of Small Police Departments," *Journal of Criminal Law, Criminology and Police Science*, 52 (1961), 344–346.

Skolnick, Jerome and J. Richard Woodworth, "Bureaucracy, Information and Social Control: A Study of a Morals Detail," pp. 99–136 in D. J. Bordua. *The Police: Six Sociological Essays*, Wiley, 1967.

Somervills, Bill, "Double Standards in Law Enforcement with Regard to Minority Status," *Issues in Criminology*, 4 (1968), 35–43.

Souris, Theodore, "Stop and Frisk or Arrest and Search: The Use and Misuse of Euphemism," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 251–264.

Stang, David P., "The Police and Their Problems," pp. 285–308 in J. S. Campbell, *et al., Law and Order Reconsidered*, vol. 10, National Commission on the Causes and Prevention of Violence, 1970.

Stinchcombe, Arthur, "Institutions of Privacy in the Determination of Police Administrative Practice," *American Journal of Sociology*, 69, 150–160.

Wald, Michael, *et al.*, "Interrogations in New Haven: The Impact of Miranda," *Yale Law Journal*, 76 (1967), 1519–1648.

Wattenberg, William and N. Bufe, "The Effectiveness of Youth Bureau Officers," *Journal of Criminal Law, Criminology and Police Science*, 54 (1963), 470–475.

Williams, Parham H., "The Criminal versus Society: Some Observations on the Accommodation of Mississippi Criminal Procedure to the Evolving Concept of Constitutionalized Due Process," *Mississippi Law Journal*, 38 (1966), 57–83.

Wilson, James Q., "The Police and the Delinquent in Two Cities," ch. 2 in Stanton Wheeler, *Controlling Delinquents*, Wiley, 1968.

Wilson, James Q., "The Police and Their Problems: A Theory," *Public Policy*, 12 (1965).

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Yaro, Boris, "Metro Squad: Unique and Flexible," *Los Angeles Times*, Sunday, July 13, 1969.

IV. Police Discretion

Barlow, Sarah, "Patterns of Arrest for Misdemeanor Narcotics Possession," *Criminal Law Bulletin*, 4 (1968), 549–582.

Bittner, Egon, "Police Discretion in Emergency Apprehension of the Mentally Ill," *Social Problems*, 14 (1967), 278–292.

Bittner, Egon, "The Police on Skid-Row: A Study of Peace-Keeping," *American Sociological Review*, 32 (1967), 699–715.

Black, Donald J., "Production of Crime Rates," *American Sociological Review*, 35 (1970), 733–748.

Black, Donald J. and Albert J. Reiss, "Police Control of Juveniles," *American Sociological Review*, 35 (1970), 63–77.

Brakel, Samuel J. and Galen R. South, *Diversion from the Criminal Process in the Rural Community*, American Bar Foundation, 1969.

Chambliss, William and J. R. Liell, "The Legal Process in a Community Setting," *Crime and Delinquency*, 12 (1966), 310–317.

Cumming, Elaine, *et al.*, "Policeman as Philosopher, Guide, and Friend," *Social Problems*, 12 (1965), 276–286.

Goldman, Nathan, *The Differential Selection of Juvenile Offenders for Court Appearance*, National Council on Crime and Delinquency, 1963.

Goldstein, Herman, "Police Discretion: Ideal versus Real," *Public Administration Review*, 23 (1963), 140–148.

Goldstein, Joseph, "Police Discretion not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," *Yale Law Journal*, 69 (1960), 543–588.

Kadish, Simon, "Legal Norms and Discretion in the Police and Sentencing Process," *Harvard Law Review*, 75 (1956), 904–931.

LaFave, Wayne R., *Arrest: The Decision to Take a Suspect into Custody*, Little, Brown, 1965.

McEachern, A. W. and Riva Bauzer, "Factors Related to Disposition in Juvenile Police Contacts," pp. 148–160 in Malcolm W. Klein, ed., *Juvenile Gangs in Context*, Prentice-Hall, 1967.

Newman, Donald J., "Sociologists and the Administration of Criminal Justice," in Arthur Shostak, ed., *Sociology in Action*, Dorsey, 1966.

Piliavin, Irving and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, 70 (1964), 206–214.

Shannon, Lyle W., "Types and Patterns of Delinquency Referral in a Middle-Sized City," *British Journal of Criminology*, July, 1963, 24–36.

Terry, Robert M., "Discrimination in the Handling of Juvenile Offenders by Social Control Agencies," *Journal of Research in Crime and Delinquency*, 4 (1967), 218–230.

Terry, Robert M., "The Screening of Juvenile Offenders," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 173–181.

Werthman, Carl and Irving Piliavin, "Gang Members and the Police," pp. 56–98 in David J. Bordua, *The Police: Six Sociological Essays*, Wiley, 1967.

V. Malpractice in Law Enforcement

Chevigny, Paul, *Police Power: Police Abuses in New York City*, Pantheon, 1969.

Cray, Ed, *The Big Blue Line*, Coward-McCann, 1967.

Hersey, John, *The Algiers Motel Incident*, A. A. Knopf, 1968.

Ingersoll, John E., "The Police Scandal Syndrome: Conditions Leading to an Apparent Breakdown in Legal Service," *Crime and Delinquency*, 10 (1969), 269–275.

Kephart, William M., *Racial Factors and Urban Law Enforcement*, Univ. Pennsylvania Press, 1957.

Reiss, Albert J., "Police Brutality—Answers to Key Questions," *Trans-Action*, 5 (1968), 10–19.

Skolnick, Jerome, "The Police in Protest," ch. 7 in *The Politics of Protest*, vol. 3, National Commission on the Causes and Prevention of Violence, 1969.

Stern, Mort, "What Makes a Policeman Go Wrong?" *Journal of Criminal Law, Criminology and Police Science*, 53 (1962), 97–101.

Stoddard, Ellwyn R., "The Informal Code of Police Deviancy: A Group Approach to Blue Coat Crime," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 201–213.

Walker, Daniel, *Rights in Conflict*, Dutton, 1968.

Westley, William A., "Violence and the Police," *American Journal of Sociology*, 59 (1953), 34–41.

VI. Relations with Courts, Corrections and the Community

Abbott, David, Louis Gold and Edward T. Rogowsky, *Police, Politics and Race: The New York City Referendum on Civilian Review*, American Jewish Committee, 1969.

A National Survey of Police and Community Relations, Field Surveys V for the President's Commission on Law Enforcement and Administration of Justice, 1967.

Bayley, David H. and Harold Mendelsohn, *Minorities and the Police: Confrontation in America*, Free Press, 1969.

Biderman, Albert D., *et al., Report on a Pilot Study in the District of Columbia on Victimization and Attitudes toward Law Enforcement,* Field Surveys I for the President's Commission on Law Enforcement and Administration of Justice, 1967.

Brandstatter, A. F. and Louis A. Radelet, *Police and Community Relations: A Sourcebook,* Glencoe, 1968.

Broderick, Vincent L., "The Supreme Court and the Police: A Police Viewpoint," *Journal of Criminal Law, Criminology and Police Science* 57 (1966), 271–282.

Brown, William P., *The Police and Community Conflict,* National Conference of Christians and Jews, 1962.

Cleaver, Patrick T., *et. al.,* "Gradients in Attitudes toward Law, Courts and the Police," *Sociological Focus,* 2 (1966), 29–40.

Corman, James C., "Law Enforcement and the Administration of Justice," *William and Mary Law Review,* 3 (1969), 579–585.

Derbyshire, R., "Children's Perceptions of the Police: A Comparative Study of Attitudes and Attitude Change," *Journal of Criminal Law, Criminology and Police Science,* 59 (1968), 183–192.

Ennis, Philip H., *Criminal Victimization in the United States,* Field Surveys II for the President's Commission on Law Enforcement and Admnistration of Justice, 1967.

Gellhorn, Walter, "Police Review Boards: Hoax or Hope?" *Columbia Univ. Forum,* 9 (1966), 5–10.

Gourley, G. D., *Public Relations and the Police,* Charles C. Thomas, 1953.

Harlow, Eleanor, *Problems in Police-Community Relations,* National Council on Crime and Delinquency, 1969.

Johnson, Elmer H., "A Sociological Interpretation of Police Reaction and responsibility to Civil Disobedience," *Journal of Criminal Law, Criminology and Police Science,* 58 (1967), 405–409.

Liebert, Lisa, *Police-Community Relations and the Role of the Non-professional,* New York Univ., 1968.

Lipset, S. M., "Why Cops Hate Liberals—and Vice Versa," *Atlantic,* March, 1969, 76–83.

Lohman, Joseph D., *The Police and Minority Groups,* Chicago Park District, 1947.

Lumbard, Edward J., "The Citizen's Role in Law Enforcement," *Journal of Criminal Law, Criminology and Police Science,* 56 (1965), 67–72.

McCaghy, Charles H., Irving L. Allen and G. David Colfax, "Public Attitudes Toward City Police in a Middle-Sized Northern City," *Criminologica,* 6 (1968), 14–22.

McIntyre, Jennie, "Public Attitudes toward Crime and Law Enforcement," *Annals of the American Academy of Political and Social Science*, 374 (1967), 166–199.

Misner, Gordon E., *The Development of New Careerist Positions in the Richmond Police Department*, Contra Costa Council of Community Services, 1966.

Misner, Gordon E., "The Urban Police Mission," *Issues in Criminology*, 3 (1967), 35–46.

Momboisse, Raymond M., *Community Relations and Riot Prevention*, Charles C. Thomas, 1967.

Nelson, Harold A., "The Defenders: A Case Study of an Informal Police Organization," *Social Problems*, 15 (1967), 127–147.

Packer, Herbert L., "The Courts, the Police and the Rest of Us," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 238–243.

Police-Community Relations: A Survey Among New York City Patrolmen, Opinion Research Corporation, 1968.

Police Power and Citizens' Rights: The Case for an Independent Police Review Board, American Civil Liberties Union, no date.

Reiss, Albert J., *Studies in Crime and Law Enforcement in Major Metropolitan Areas*, Field Surveys III for the President's Commission on Law Enforcement and Administration of Justice, 1967.

Remington, Frank J., "The Role of the Police in a Democratic Society," *Journal of Criminal Law, Criminology and Police Science*, 56 (1965), 361–365.

Skolnick, Jerome, *"The Police and the Urban Ghetto*, American Bar Foundation, 1968.

The Public Looks at Crime and Corrections, Joint Commission on Correctional Manpower and Training, 1968.

Watson, Nelson A., ed., *Police and the Changing Community: Selected Readings*, International Association of Chiefs of Police, 1965.

Watson, Nelson A., *Police-Community Relations*, 1966, International Association of Chiefs of Police, 1966.

Wilson, James Q., "Police Morale, Reform and Citizen Respect," pp. 137–162 in D. J. Bordua, *The Police: Six Sociological Essays*, Wiley, 1967.

Wilson, Orlando W., "Civil Disturbances and the Rule of Law," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 155–159.

Adjudication and the Courts

I. General

Akers, Ronald L., "Toward a Comparative Definition of Law," *Journal of Criminal Law, Criminology and Police Science*, 56 (1965), 301–306.

Berns, Walter, "Law and Behavioral Science," *Law and Contemporary Problems*, 28 (1963), 185–212.

Blake, Judith and Kinglsey Davis, "Norms, Values and Sanctions," pp. 456–484 in Re. E. L. Faris, ed., *Handbook of Modern Sociology*, Rand-McNally, 1964.

Chambliss, William J., ed., *Crime and the Legal Process*, McGraw-Hill, 1969.

Criminal Justice in the United States, American Bar Foundation, 1967.

Davis, F. James, *et al.*, eds., *Society and the Law*, Free Press, 1962.

Fox, Sanford J., *Science and Justice: The Massachusetts Witchcraft Trials*, Beacon, 1966.

Gerber, Rudolph J. and P. D. McAnany, "Punishment: Current Survey of Philosophy and Law," *St. Louis Univ. Law Review*, 11 (1967), 491–535.

Hall, Jerome, *Theft, Law and Society*, Bobbs-Merrill, 1962.

Haskins, George Lee, *Law and Authority in Early Massachusetts*, Macmillan, 1960.

Hoebel, E. Adamson, *The Law of Primitive Man*, Harvard Univ. Press, 1954.

Jefferey, Clarence Ray, "The Development of Crime in Early English Society," *Journal of Criminal Law, Criminology and Police Science*, 47 (1957), 647–666.

Jones, Harry W., ed., *The Courts, the Public, and the Law Explosion*, Prentice-Hall, 1965.

May, John Barron, *Crime and the Social Structure*, Taber and Taber, London, 1967.

Pound, Roscoe, *An Introduction to the Philosophy of Law*, Yale Univ. Press, 1922.

Pound, Roscoe, "The Early Development of American Law and Its Deviation from English Law," *Law Quarterly Review*, 67 (1951), 49–66.

Powers, Edwin, *Crime and Punishment in Early Massachusetts*, Beacon Press, 1966.

Quinney, Richard, *Crime and Justice in Society*, Little, Brown, 1969.

Remington, Frank J., *Case Materials on Criminal Law and Its Procedures*, Callaghan, 1969.

Remington, Frank J., *et al.*, *Criminal Justice Administration: Materials and Cases*, Bobbs-Merrill, 1969.

Schur, Edwin M., *Law and Society: A Sociological View*, Random House, 1968.

Schwartz, Richard D. and Sonya Orleans, "On Legal Sanctions," *Univ. Chicago Law Review*, 34 (1967) 273-300.

Science and Technology, Task Force report to the President's Commission on Law Enforcement and Administration of Justice, Govt. Printing Office, 1967.

Selznick, Philip, "Legal Institutions and Social Controls," *Vanderbilt Law Review*, 17 (1963), 79–90.

Simon, Rita, ed., *The Sociology of Law*, Chandler, 1968.

Skolnick, Jerome H., "Trends in American Sociology of Law," *Social Problems*, Supplement on Law and Society, Summer, 1966, 4–39.

Slovenko, Ralph, ed., *Crime, Law and Corrections*, Charles C. Thomas, 1966.

Sykes, Gresham M. and Thomas E. Drabek, *Law and the Lawless: A Reader in Criminology*, Random House, 1969.

The Courts, Task Force report to the President's Commission on Law Enforcement and Administration of Justice, Govt. Printing Office, 1967.

II. Personnel and Training

Bloom, M. T., *The Trouble with Lawyers*, Simon and Schuster, 1969.
Botein, Bernard, *Trial Judge*, Simon and Schuster, 1952.
Carlin, Jerome, *Lawyer's Ethics*, Russell Sage, 1966.
Carlin, Jerome E., *Lawyers on Their Own: A Study of Individual Practitioners in Chicago*, Rutgers Univ. Press, 1962.
Freedman, Monroe H., "The Professional Responsibility of the Prosecuting Attorney," *Georgetown Law Journal*, 55 (1967), 1030–1047.
Geis, Gilbert and C. W. Tenney, "Evaluating a Training Institute for Juvenile Court Judges," *Community Mental Health Journal*, 4 (1968), 461–468.
Goldman, Sheldon, "Judicial Appointments to the United States Courts of Appeals," *Wisconsin Law Review*, 1967 (1967), 186–214.
Jones, Harry W., "The Trial Judge—Role Analysis and Profile," in H. W. Jones, *The Courts, the Public and the Law Explosion*, Prentice-Hall, 1965.
Ladinsky, Jack, "Careers of Lawyers, Law Practice, and Legal Institutions," *American Sociological Review*, 28 (1963), 47–54.
"Law Enforcement, Federal Courts, and Prisons," pp. 141–162 in Statistical Abstract of the United States: 1968, Govt. Printing Office, 1968.
Mars, David, "Public Defenders," *Journal of Criminal Law, Criminology and Police Science*, 46 (1955), 199–210.
McConnell, J. P., and J. D. Martin, "Judicial Attitudes and Public Morals," *ABA Journal*, 55 (1969), 1129–1133.
McCune, Shirley D. and Daniel L. Skolar, "Juvenile Court Judges in the United States: A National Profile," *Crime and Delinquency*, 11 (1965), 121–131.
Nedrud, D. R., "The Career Prosecutor," *Journal of Criminal Law, Criminology and Police Science*, 51 (1960), 343–355.
Reichstein, Kenneth J., "Ambulance Chasing: A Case Study of Deviation and Control Within the Legal Profession," *Social Problems*, 13 (1965), 3–17.
Reichstein, Kenneth, "The Criminal Law Practitioner's Dilemma: What Should the Lawyer Do When His Client Intends to Testify Falsely?" *Journal of Criminal Law, Criminology, and Police Science*, 61 (1970), 1–10.
Silverstein, Lee, "Manpower Requirements in the Administration of Justice," Appendix D, in *The Courts*, Govt. Printing Office, 1967.
Smigel, Erwin O., *The Wall Street Lawyer*, Free Press, 1964.
Smith, C., and N. S. Clifton, "Income of Lawyers, 1963–1964," *ABA Journal*, 54 (1968), 52.
Warkov, Seymour and J. Zelan, *Lawyers in the Making*, Aldine, 1965.
Weyrauch, Walter O., *The Personality of Lawyers*, Yale Univ. Press, 1964.
Wood, Arthur Lewis, *Criminal Lawyer*, College and University Press, 1967.

III. Court Organization and Procedure

American Bar Association, *Canons of Professional and Judicial Ethics*, 1969.
American Bar Association, *Criminal Appeals*, 1969.
American Bar Association, *Post-Conviction Remedies*, 1968.
American Bar Association, *Speedy Trial*, 1968.
Aubert, Vilhelm, "Researchers in the Sociology of Law," *American Behavioral Scientist*, 7 (1963), 16–20.
Baum, F., *Law of Juvenile Delinquency*, Oceana, 1968.
Cicourel, Aaron V., *The Social Organization of Juvenile Justice*, Wiley, 1968.
Gough, A. R., "The Expungement of Adjudication Records of Juvenile and Adult Offenders," *Washington Univ. Law Quarterly*, 1966 (1966), 147–190.
Grossman, J. B. and J. Tanenhaus, eds., *Frontiers of Judicial Research*, Wiley, 1969.
Handbook on Criminal Procedure in the United States District Court, West, 1967.

Hart, H. M., and H. Wechsler, *The Judicial Code and Rules of Procedure in the Federal Courts*, Foundation Press, 1965.
Hayden, R. C. F., "Problems in the Management of Criminal Courts for Which Science May Offer Solutions," pp. 97–108 in *National Symposium on Science and Criminal Justice*, Govt. Printing Office, 1966.
Hunwald, E. H. and F. E. Zimring, *Missouri Implied Consent Statutes*, American Bar Foundation, 1969.
James, Howard, *Crisis in the Courts*, David McKay, 1967.
Kaufman, Irving R., "The Judicial Crisis, Court Delay and the Para-Judge," *Judicature*, 54 (1970), 145–148.
Kayton, Irving, "Can Jurimetrics be of Value to Jurisprudence?" *George Washington Law Review*, 33 (1964), 287–317.
Knowlton, Robert E., "The Trial of Offenders," *Annals of the American Academy of Political and Social Science*, 339 (1962), 125–141.
Lefstein, Norman, *et al.*, "In Search of Juvenile Justice: Gault and its Implementation," *Law and Society Review*, 3 (1969), 491–562.
Lemert, Edwin M., "Legislating Change in the Juvenile Court," *Wisconsin Law Review*, Spring (1967), 421–448.
Livermore, J. M., Carl P. Malquist, Paul E. Meehl, "On the Justifications for Civil Commitment," *Pennsylvania Law Review*, 117 (1968), 75–96.
MacNamara, Donal E. J., "Convicting the Innocent," *Crime and Delinquency*, 15 (1969), 57–61.
Model Rules for Juvenile Courts, National Council on Crime and Delinquency, 1969.
Murphy, Walter F., "Courts as Small Groups," *Harvard Law Review*, 79 (1966), 1565–1572.
Nagel, Stuart S., "A Conceptual Scheme of the Judicial Process," *American Behavioral Scientist*, 7 (1963), 7–10.
Nagel, Stuart S., "Judicial Backgrounds and Criminal Cases," *Journal of Criminal Law, Criminology and Police Science*, 53 (1962), 333–339.
Nagel, Stuart S., "Testing the Effectiveness of Excluding Illegally Seized Evidence," *Wisconsin Law Review*, 1965 (1965), 283–310.
Rubin, Sol, "The Supreme Court, Cruel and Unusual Punishment, and the Death Penalty," *Crime and Delinquency*, 15 (1969), 121–131.
Schubert, Glendon, "Behavioral Jurisprudence," *Law and Society Review*, 2 (1968), 407–428.
Schubert, Glendon, ed., *Judicial Behavior*, Rand-McNally, 1964.
Schubert, Glendon, ed., *Judicial Decision-Making*, Free Press, 1963.
Singer, A. A., "State Grants of Immunity: The Problem of Interstate Prosecution Prevention," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 218–223.
Smith, Alexander B. and A. S. Blumberg, "The Problem of Objectivity in Judicial Decision-Making," *Social Forces*, 46 (1967), 96–105.
Snyder, Eloise C., "The Supreme Court as a Small Group," *Social Forces*, 36 (1958), 232–238.
Snyder, Eloise C., "Uncertainty and the Supreme Court," *American Journal of Sociology*, 65 (1959), 241–245.
Traynor, R. J., "Conflict of Laws in Time: The Sweep of New Rules in Criminal Cases," *Duke Law Journal*, 1967 (1967), 713–731.
Waylright, Roger J., "An Experiment in Justice Without Delay: A Tale of Three Florida Counties," *Judicature*, 52 (1969), 334–338.
Weston, Paul B. and Kenneth M. Wells, *The Administration of Justice*, Prentice-Hall, 1967.
Zeisel, Hans, "The Law," pp. 81–99 in P. F. Lazarsfeld, *et al.*, *The Uses of Sociology*, Basic Books, 1967.

IV. Politics, Power and Justice

Arens, Richard and H. D. Lasswell, *In Defense of Public Order: The Emerging Field of Sanction Law*, 1961.

Berkowitz, Leonard and Nigel Walker, "Laws and Moral Judgments," *Sociometry*, 40 (1967), 410–422.
Bohannon, Paul, "The Differing Realms of the Law," pp. 43–56 in P. Bohannon, ed., *Law and Warfare: Studies in the Anthropology of Conflict*, Natural History Press, 1967.
Chambliss, William J., "A Sociological Analysis of the Law of Vagrancy," *Social Problems*, 12 (1964), 67–77.
Chambliss, William J. and J. T. Liell, "The Legal Process in the Community Setting," *Crime and Delinquency*, 12 (1966), 310–317.
Eckhardt, Kenneth W., "Deviance, Visibility, and Legal Action: The Duty to Support," *Social Problems*, 15 (1968), 470–478.
Erikson, Kai T., *Wayward Puritans: A Study in the Sociology of Deviance*, Wiley, 1966.
Evans, William M. and Mildred Schwartz, "Law and the Emergence of Formal Organization," *Sociology and Social Research*, 48 (1964), 270–280.
Evan, William M., "Organization Man and Due Process of Law," *American Sociological Review*, 26 (1961), 540–547.
Foote, Caleb, "Vagrancy-Type Law and Its Administration," *Univ. Pennsylvania Law Review*, 104 (1956), 603–650.
Frank, Jerome, Courts on Trial: Myth and Reality in American Justice, *Princeton Univ. Press*. 1949.
Fuller, Lon L., Legal Fictions, *Yale Univ. Press*, 1967.
Geis, Gilbert, "Sociology and Jurisprudence: Admixture of Lore and Law," *Kentucky Law Journal*, 52 (1964), 267-293.
Gibbs, Jack P., "Definitions of Law and Empirical Questions," *Law and Society Review*, 3 (1968), 429–446.
Gibbs, Jack P., "The Sociology of Law and Normative Phenomena," *American Sociological Review*, 31 (1966), 315–325.
Gusfield, Joseph R., "Moral Passage: The Symbolic Process in Public Designation of Deviance," *Social Problems*, 15 (1967), 175–188.
Gusfield, Joseph R., "On Legislating Morals: The Symbolic Process of Designating Deviance," *California Law Review*, 56 (1968), 54–73.
Honigman, John J., "Value Conflict and Legislation," *Social Problems*, 7 (1959), 34–40.
Kadish, Sanford H., "The Crisis of Overcriminalization," *American Criminal Law Quarterly*, 7 (1968), 17–34.
Kirckheimer, Otto, *Political Justice*, Princeton Univ. Press, 1961.
Lindesmith, Alfred R., *The Addict and the Law*, Indiana Univ. Press, 1965.
Mannheim, Hermann, *Criminal Justice and Social Reconstruction*, Oxford Univ. Press, 1946.
Massell, Gregory J., "Law as an Instrument of Revolutionary Change in a Traditional Milieu," *Law and Society Review*, 2 (1968), 179–228.
Morris, Norval and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, Univ. Chicago Press, 1970.
Murphy, W. F. and C. H. Pritchett, *Courts, Judges and Politics*, Random House, 1961.
Packer, Herbert L., *The Limits of Criminal Sanction*, Stanford Univ. Press, 1968.
Pound, Roscoe, *Social Control Through Law*, Yale Univ. Press, 1942.
Quinney, Richard, *The Social Reality of Crime*, Little, Brown, 1970.
Remington, Frank J., "The Limits and Possibilities of the Criminal Law," *Notre Dame Lawyer*, 43 (1968), 856–870.
Roby, Pamela A., "Politics and Criminal Law: Revision of the New York State Penal Law on Prostitution," *Social Problems*, 17 (1969), 83–109.
Rusche, George, and Otto Kirckheimer, *Punishment and Social Structure*, Columbia Univ. Press, 1939.
Schur, Edwin M., *Crimes without Victims*, Prentice-Hall, 1965.
Schwartz, Herman, "The Legitimation of Electronic Eavesdropping: The Politics of Law and Order," *Michigan Law Review*, 67 (1969), 455–510.

Schwartz, Richard D. and James C. Miller, "Legal Evolution and Societal Complexity," *American Journal of Sociology*, 70 (1964), 159–169.
Skolnick, Jerome H., "Social Control in the Adversary System," *Journal of Conflict Resolution*, 11 (1967), 52–70.
Stone, Julius, *Social Dimensions of Law and Justice*, Stanford Univ. Press, 1966.
Sutherland, Edwin H., "The Diffusion of Sexual Psychopath Laws," *American Journal of Sociology*, 56 (1950), 142–148.
Swett, Daniel H., "Cultural Bias in the American Legal System," *Law and Society Review*, 4 (1969), 79–110.
Turk, Austin T., *Criminality and the Legal Order*, Rand-McNally, 1969.
Walker, Nigel and M. Argyle, "Does the Law Affect Moral Judgments?" *British Journal of Criminology*, 4 (1964), 570–581.
Wheeler, Stanton, "Sex Offenses: A Sociological Critique," *Law and Contemporaary Problems*, 24 (1960), 258–278.
Woodward, C. Van, *The Strange Career of Jim Crow*, Oxford Univ. Press, 1957.

V. Negotiation of Judicial Decisions

American Bar Association, *Pleas of Guilty*, 1968.
Banfield, Laura and C. D. Anderson, "Continuances in the Cook County Criminal Courts," *Univ. Chicago Law Review*, 35 (1968), 259–316.
Blumberg, Abraham, "The Practice of Law as Confidence Game: Organizational Cooptation of a Profession," *Law and Society Review*, 1 (1967), 15–39.
Brakel, S. J., G. R. South, and A. R. Mathews, "Diversion from the Criminal Process in the Rural Community," *American Criminal Law Qtrly*, 7 (1969), 122–173.
Cole, George F., "The Decision to Prosecute," *Law and Society Review*, 4 (1970), 331–343.
Cressey, Donald R., "Negotiated Justice," *Criminologica*, 5 (1968), 5–16.
Davis, Kenneth C., *Discretionary Justice: A Preliminary Inquiry*, Louisiana State Univ., 1969.
Enker, Arnold, "Perspectives on Plea Bargaining," Appendix A in *The Courts*, Govt. Printing Office, 1967.
Gentile, Carmen L., "Fair Bargains and Accurate Pleas," *Boston Univ. Law Review*, 49 (1969), 514–551.
McIntyre, Donald M., "A Study of Judicial Dominance of the Charging Process," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 463–490.
McIntyre, Donald M., *Law Enforcement in the Metropolis*, American Bar Foundation, 1967.
Nagel, Stuart S., "Disparities in Criminal Procedure," *UCLA Law Review*, 14 (1967), 1272–1305.
Newman, Donald J., *Conviction: The Determination of Guilt or Innocence Without Trial*, Little, Brown, 1966.
Newman, Donald J., "Pleading Guilty for Considerations: A Study of Bargain Justice," *Journal of Criminal Law, Criminology and Police Science*, 46 (1956), 780–790.
"Reimbursement of Defense Costs as a Condition of Probation for Indigents," *Michigan Law Review*, 67 (1969), 1404–1420.
Robin, Gerald D., "The Corporate and Judicial Disposition of Employee Thieves," *Wisconsin Law Review*, 3 (1967), 685–702.
Rosett, Arthur, "The Negotiated Plea of Guilty," *Annals of the American Academy of Political and Social Science*, 374 (1967), 70–81.
Runciman, W. G., *Relative Deprivation and Social Justice*, Univ. California Press, 1966.
"Staff Lower Court Studies," Appendix B in *The Courts*, Govt. Printing Office, 1967.

Sudnow, David, "Normal Crimes: Sociological Features of the Penal Code in a Public Defender's Office," *Social Problems*, 12 (1965), 255–276.
Trebach, Arnold S., *The Rationing of Justice*, Rutgers Univ. Press, 1964.

VI. Justice and the Poor

American Bar Association, *Providing Defense Services*, 1968.
Carlin, Jerome E., Jan Howard and Sheldon L. Messinger, *Civil Justice and the Poor: Issues for Sociological Research*, Russell Sage, 1968.
Carlin, Jerome E. and Jon Howard, "Legal Representation and Class Justice," *UCLA Law Review*, 12 (1965), 382–383.
"Client Service in a Defender Organization: The Philadelphia Experience," *Univ. Pennsylvania Law Review*, 117 (1969), 448–469.
Mayhew, Leon H., *Law and Equal Opportunity: A Study of the Massachusetts Commission Against Discrimination*, Harvard Univ. Press, 1968.
Mayhew, Leon and A. J. Reiss, "The Social Organization of Legal Contacts," *American Sociological Review*, 34 (1969), 309–318.
Oaks, Dallin H. and Warren Lehman, *A Criminal Justice System and the Indigent: A Study of Chicago and Cook County*, Univ. Chicago, 1968.
Oaks, Dallin H. and Warren Lehman, "Lawyers for the Poor," *Trans-Action*, 4 (1967), 25–29.
Poverty and the Administration of Federal Criminal Justice, Report of the Attorney General's Committee, 1963.
Radin, Edward D., *The Innocents*, William Morrow, 1964.
Schwartz, Richard D. and J. H. Skolnick, "Two Studies of Legal Stigma," *Social Problems*, 10 (1962), 133–142.
Silverstein, Lee, *Defense of the Poor in Criminal Cases*, American Bar Foundation, 1965.
Summers, Marvin R., "Defending the Poor: The Assigned Counsel System in Milwaukee County," *Wisconsin Law Review*, 1969, 525–539.
Westen, Derek A., "Fines, Imprisonment and the Poor: Thirty Dollars or Thirty Days," *California Law Review*, 57 (1969), 778–821.

VII. Relationships Among Agencies in the System of Justice

American Bar Association, *Discovery and Procedure Before Trial*, 1968.
American Bar Association, *Pretrial Release*, 1968.
American Bar Foundation, *Criminal Justice in Extremis: Administration of Justice During the April 1968 Chicago Disorder*, 1969.
Ares, Charles and Herbert Sturz, "Bail and the Indigent Accused," *Crime and Delinquency*, 8 (1962), 12–20.
Ares, Charles E., *et al.*, "The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole," *New York Univ. Law Review*, 38 (1963), 67–92.
Belanger, Ann, "Criminal Law: The Prosecutor's Duty to Disclose Exculpatory Evidence," *Oklahoma Law Review*, 19 (1966), 425–430.
Boche, H. L. and K. J. Leenhouts, *Concerned Citizens and a City Criminal Court*, Royal Oak Municipal Court Probation Department, no date.
Campbell, J. S., *et al.*, *Law and Order Reconsidered*, Vol. 10, National Commission on the Causes and Prevention of Violence, Govt. Printing Office, 1970.
Carlin, Jerome E., "Store Front Lawyers in San Francisco," *Trans-Action*, 7 (1970), 64–74.
Friedland, Martin L., *Detention Before Trial: A Study of Criminal Cases Tried in the Toronto Magistrates' Court*, Univ. Toronto Press, 1965.
Goldfarb, Ronald, *Ransom: A Critique of the American Bail System*, Harper and Row, 1965.
Gottfredson, Don M. and G. D. Gottfredson, "Decision-Maker Attitudes and Juvenile Detention," *Journal of Research in Crime and Delinquency*, 6 (1969), 177–183.
Hunvald, E. H., "The Right to Counsel at the Preliminary Hearing," *Missouri Law Review*, 31 (1966), 109–126.

200

James, Howard, *Crisis in the Courts*, David McKay, 1967.
LaFave, Wayne R., *Arrest: The Decision to Take a Suspect to Custody*, Little, Brown, 1965.
Locking Them Up: A Study of Initial Juvenile Detention Decisions in Selected California Counties, National Council on Crime and Delinquency, 1969.
Miller, Frank W. and F. J. Remington, "Procedures Before Trial," *Annals of the American Academy of Political and Social Science*, 339 (1962), 111–124.
Miller, Frank W., *Prosecution: The Decision to Charge a Suspect with a Crime*, Little, Brown, 1969.
Nutter, Ralph, "The Quality of Justice in Misdemeanor Arraignment Courts," *Journal of Criminal Law, Criminology and Police Science*, 53 (1962), 215–219.
Packer, Herbert L., "The Courts, the Police, and the Rest of Us," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 238–243.
Price, Hugh B., "A Proposal for Handling of Petty Misdemeanors Offenses, *Connecticut Bar Journal*, 42 (1968), 55–74.
Report of the National Advisory Committee on Civil Disorders, Bantam Books, 1968.
Rosenberg, Maurice, *The Pretrial Conference and Effective Justice*, Columbia Univ. Press, 1964.
Scheier, I. H. and L. P. Goter, *Using Volunteers in Court Settings: A Manual for Volunteer Probation Programs*, U. S. Dept. of Health, Education and Welfare, 1969.
Schneider, Carl W., "The Preliminary Examination in the Federal System: Proposal for a Rule Change," *Univ. Pennsylvania Law Review*, 116 (1968), 1416–1433.
Seeburger, R. H. and R. S. Wettick, "Miranda in Pittsburgh: A Statistical Study," *Univ. Pittsburgh Law Review*, 29 (1967), 1–26.
Skolnick, Jerome, *The Politics of Protest*, National Commission on the Causes and Prevention of Violence, Vol. 3, Govt. Printing Office, 1969.
Smith, Talbot, "A New Approach to Bail Practice," *Federal Probation*, 29 (1965), 3–6.
Suffet, Frederic, "Bail Setting: A Study of Courtroom Interaction," *Crime and Delinquency*, Oct. (1966), 318–331.
Sullivan, Daniel C., "The Prosecuting Attorney's Duty to Disclose," *Washburn Law Review*, 6 (1967), 479–492.
Tapp, June L., "Psychology and the Law: The Dilemma," *Psychology Today*, 2 (1969), 17–22.
Tiffany, Laurence P., Donald M. McIntyre, Jr., and Daniel L. Rotenberg, *Detection of Crime*, Little, Brown, 1967.
To Establish Justice, To Insure Domestic Tranquility, National Commission on the Causes and Prevention of Violence, Final Report, Govt. Printing Office, 1969.
Toro-Calder, Jaime, *et al.*, "A Comparative Study of Puerto Rican Attitudes toward the Legal System Dealing with Crime," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 536–541.
Wald, Patricia, "Pretrial Detention and Ultimate Freedom: A Statistical Study," *New York Univ. Law Review*, 39 (1964), 631–655.
"Waiver of Rights in Police Interrogations: Miranda in the Lower Courts," *Univ. Chicago Law Review*, 36 (1969), 413–447.
Zeitz, Leonard, *et al.*, "Anomie, Powerlessness and Police Interrogation," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 314–322.

VIII. Psychiatry and the Law

Arens, Richard, "The Durham Rule in Action: Judicial Psychiatry and Psychiatric Justice," *Law and Society Review*, 1 (1967), 41–80.
Bennett, David E., "Competency to Stand Trial: A Call for Reform," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 569–582.

Bennett, J. V., and A. R. Mathews, "The Dilemma of Mental Disability and the Criminal Law," *ABA Journal*, 54 (1968), 467–471.
Goldstein, Abraham S., *The Insanity Defense*, Yale Univ. Press, 1967.
Greenwald, Robert, "Disposition of the Insane Defendant after 'Acquittal'—The Long Road from Commitment to Release," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 583–594.
Halleck, Seymour L. and W. Bromberg, *Psychiatric Aspects of Criminology*, Charles C. Thomas, 1968.
Halleck, Seymour L., *Psychiatry and the Dilemmas of Crime*, Harper and Row, 1967.
Jefferey, Clarence Ray, *Criminal Responsibility and Mental Disease*, Charles C. Thomas, 1967.
McGarry, A. Lewis, "Demonstration and Research in Competency for Trial and Mental Illness," *Boston University Law Review*, 49 (1969), 46–61.
Miller, Dorothy and Michael Schwartz, "County Lunacy Commission Hearings: Some Observations of Commitments to a State Mental Hospital," *Social Problems*, 14 (1966), 26–34.
Morris, Norval, "Psychiatry and the Dangerous Criminal," *Southern California Law Review*, 41 (1968), 514–547.
Platt, Anthony M., "The Origins and Development of the Wild Beast Concept of Mental Illness and Its Relation to Theories of Criminal Responsibility," *Issues in Criminology*, 1 (1965), 1–18.
Seidman, Robert B., "Witch Murder and Mens Rea: A Problem of Society under Radical Social Change," *Modern Law Review*, 28 (1965), 46–61.
Simon, R. A. and W. Shakelford, "The Defense of Insanity: A Survey of Legal and Psychiatric Opinion," *Public Opinion Quarterly*, 29 (1965), 411–424.
Simon, Rita James, *The Jury and the Defense of Sanity*, Little, Brown, 1967.
Szasz, Thomas, *The Myth of Mental Illness*, Harper and Row, 1961.

IX. The Jury

American Bar Association, *Trial by Jury*, 1968.
Bevan, William, *et al.*, "Jury Behavior as a Function of the Prestige of the Foreman and the Nature of his Leadership," *Journal of Public Law*, 7 (1958), 419–449.
Erlanger, Howard S., "Jury Research in America: Its Past and Future," *Law and Society Review*, 4 (1970), 345–370.
Finkelstein, M. O., "The Application of Statistical Decision Theory to the Jury Discrimination Cases," *Harvard Law Review*, 80 (1966), 338–376.
Gerver, Israel, "The Social Psychology of Witness Behavior with Special Reference to Criminal Courts," *Journal of Social Issues*, 13 (1957), 23–29.
Hawkins, Charles H., "Interaction Rates of Jurors Aligned in Factions," *American Sociological Review*, 27 (1962), 689–691.
Kalven, Harry and Hans Zeisel, *The American Jury*, Little, Brown, 1966.
Kimble, William K., "Unlawful Discrimination in Jury Selection: Witherspoon and Related Cases," *Baylor Law Review*, 21 (1969), 73–88.
Lemert, Edwin M., "The Grand Jury as an Agency of Social Control," *American Sociological Review*, 10 (1945), 751–758.
Morris, Rudolph E., "Witness Performance Under Stress: A Sociological Approach," *Journal of Social Issues*, 13 (1957), 17–22.
Petroff, Dragan D., "The Practice of Jury Note-Taking," *Oklahoma Law Review*, 18 (1965), 125–141.
Robinson, William S., "Bias, Probability and Trial by Jury," *American Sociological Review*, 15 (1950), 73–78.
Ryan, John V., "Less than Unanimous Jury Verdicts in Criminal Trials," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 211–217.
Simon, Rita, "Status and Competence of Jurors," *American Journal of Sociology*, 64 (1959), 563–570.

Strodtbeck, Fred L. and R. D. Mann, "Sex Role Differentiation in Jury Deliberations," *Sociometry*, 19 (1956), 3–11.
Strodtbeck, Fred L., R. M. James, and C. Hawkins, "Social Status in Jury Deliberations," *American Sociological Review*, 22 (1957), 713–719.
Zeisel, Hans, *Some Data on Juror Attitudes Toward Capital Punishment*, Univ. Chicago Law School, 1968.

X. Sentencing

American Bar Association, *Appellate Review of Sentences*, 1968.
American Bar Association, *Sentencing Alternatives and Procedures*, 1968.
Boldt, George H., "Recent Trends in Criminal Sentencing," *Federal Probation*, 27 (1963), 3–6.
Bullock, Henry A., "Significance of the Racial Factor in the Length of Prison Sentences," *Journal of Criminal Law, Criminology and Police Science*, 52 (1961), 411–417.
Carter, Robert M. and L. T. Wilkins, "Some Factors in Sentencing Policy," *Journal Of Criminal Law, Criminology and Police Science*, 58 (1967), 503–514.
Carter, Robert M., "The Presentence Report and the Decision-Making Process," *Journal of Research in Crime and Delinquency*, 4 (1967), 203–211.
Cross, A. R. N., *Paradoxes in Prison Sentences*, Oxford Univ. Press, 1965.
Dawson, Robert O., *Sentencing: The Decision as to Type, Length and Conditions of Sentence*, Little, Brown, 1969.
D'Esposito, J. C., "Sentencing Disparity: Causes and Cures," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 182–194.
Gaudet, Frederick J., "The Difference Between Judges in Granting Sentences of Probation," *Temple Law Quarterly*, 19 (1946), 471–484.
Glueck, Sheldon, "Predictive Devices and the Individualization of Justice," *Law and Contemporary Problems*, 23 (1958), 461–476.
Green, Edward, *Judicial Attitudes in Sentencing*, Macmillan, 1961.
Green, Edward, "Sentencing Practices of Juvenile Court Judges," *American Journal of Correction*, July-August, 1960, 32–35.
Moreland, Ray, "Model Penal Code: Sentencing, Probation and Parole," *Kentucky Law Review*, 57 (1968–69), 51–82.
Morgan, Charles, "Dual Justice in the South," *Judicature*, 53 (1970), 379–384.
Ohlin, Lloyd E. and F. J. Remington, "Sentencing Structure: Its Effect Upon Systems for the Administration of Criminal Justice," *Law and Contemporary Problems*, 23 (1958), 495–507.
Rector, Milton G., "Sentencing Reform and Litigation," *Judicature*, 53 (1969), 58–62.
Zavatt, Joseph C., "Sentencing Procedure in the United States District Court for the Eastern District of New York," *Federal Rules and Decisions*, 41 (1967), 469–493.
Tydings, Joseph, "Ensuring Rational Sentences," *Judicature*, 53 (1969), 68–73.

Corrections and the Community

I. Manpower and Training

Adams, William T., *Demonstration Programs in Education for Work in Juvenile Corrections*, Western Interstate Commission on Higher Education, Boulder, 1966.

Criminology and Corrections Program, Joint Commission on Correctional Manpower and Training, 1968.

Gibbons, Don C., "Who Knows What About Correction?" *Crime and Delinquency*, 9 (1963), 137–144.

Gross, Seymour Z., "Biographical Characteristics of Juvenile Probation Officers," *Crime and Delinquency*, 12 (1966), 109–116.

Kirkwood, William, *Volunteers in Correction*, National Council on Crime and and Delinquency, 1968.

Harris, Louis, "Changing Public Attitudes Toward Crime and Corrections," *Future*, 6 (1969), 3–15.

Louis Harris and Associates, *Corrections 1968: A Climate for Change*, Joint Commission on Correctional Manpower and Training, 1968.

Louis Harris and Associates, *Volunteers Look at Corrections*, Joint Commission on Correctional Manpower and Training, 1969.

Offenders as a Correctional Manpower Resource, Joint Commission on Correctional Manpower and Training, 1968.

O'Leary, Vincent, "Some Directions for Citizens Involvement in Corrections," *Annals of the American Academy of Political and Social Science*, 381 (1969), 99–108.

Piven, Herman and Abraham Alcabes, *Education and Training for Criminal Justice*, U. S. Dept. of Health, Education and Welfare, 1967.

Piven, Herman and Abraham Alcabes, *The Crisis of Qualified Manpower for Criminal Justice: An Analytic Assessment with Guidelines for New Policy*, Vol. 1, Probation and Parole, and Vol. 2, Correctional Institutions, Govt. Printing Office, 1969.

Polk, Kenneth, *The University and Corrections: Potential for Collaborative Relationships*, Joint Commission on Correctional Manpower and Training, 1969.

Prigmore, Charles C., *Manpower and Training for Corrections*, Council on Social Work Education, 1966.

Rooney, E. A. and D. C. Gibbons, "Social Reactions to Crimes Without Victims," *Social Problems*, 13 (1966), 400–410.

Schoen, Connie, "Things Volunteers Can Do," *American Journal of Correction*, 31 (1969), 26–27.

Stubblefield, Keith A. and Larry L. Dye, eds., *Offenders as a Correctional Manpower Resource*, Joint Commission on Correctional Manpower and Training, 1968.

Targets for In-Service Training, Joint Commission on Correctional Manpower and Training, 1967.

II. Detention and Misdemeanant Facilities

Alexander, Myrle E., *Jail Administration*, Charles C. Thomas, 1957.

Constantino, Carl J., "Detention in Niagara County," *Probation and Parole*, 1 (1969), 41–46.

Davis, Alan J., "Sexual Assaults in the Philadelphia Prison System and Sheriff's Vans," *Trans-Action*, 6 (1968), 8–16.

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Dunlop, A. and S. McCabe, *Young Men in Detention Centers*, Humanities Press, 1965.
Gottfredson, Don M. and Gary D. Gottfredson, "Decision-Maker Attitudes and Juvenile Detention," *Journal of Research in Crime and Delinquency*, 6 (1969), 177–183.
Manhattan Summons Project Annual Report, New York City Police Department, 1968.
Mattick, Hans W. and Alexander B. Aikman, "The Cloacal Region of American Corrections," *Annals of the American Academy of Political and Social Science*, 381 (1969), 109–118.
Locking Them Up: A Study of Juvenile Detention Decisions in Selected California Counties, National Council on Crime and Delinquency, 1969.
Norman, Sherwood, *Detention Practices*, National Probation and Parole Association, 1960.
Powers, Sanger B., "Day-Parole of Misdemeanants," *Federal Probation*, 22 (1958), 42–46.
Richmond, Mark S. and George W. Aderhold, *New Roles for Jails*, U. S. Bureau of Prisons, 1969.
Sessions, Arnold, *A Report on Jail Educational Programs of Selected Cities and Counties in the United States*, Seattle Community College and King County Sheriff's Department, 1969.
Survey of 41 Pennsylvania County Court and Correctional Services for Women and Girl Offenders, Pennsylvania Division, American Association of University Women, 1969.
The Jails of Missouri, Missouri Governor's Citizens Committee on Delinquency and Crime, 1969.

III. Problems in Correctional Administration

Amos, William E. and Raymond L. Manella, *Readings in the Administration of Institutions for Delinquent Youth*, Charles C. Thomas, 1965.
Assembly Office of Research, *Crime and Penalties in California*, California Legislature, Sacramento, 1968.
Barkin, Eugene N., "Impact of Changing Law Upon Prison Policy," *Prison Journal*, 48 (1968), 3–20.
Brady, John C., *et al.*, "Evaluation of Semantic Differential Changes in Correctional Training Officer Attitudes," *Journal of Correctional Education*, 20 (1968), 4–6.
Burns, Henry, "A Miniature Totalitarian State: Maximum Security Prison," *Canadian Journal of Corrections*, 11 (1969), 153–164.
Cressey, Donald R., "Achievement of an Unstated Organizational Goal: An Observation on Prisons," *Pacific Sociological Review*, 1 (1968), 43–49.
Cressey, Donald R., "Contradictory Directives in Complex Organizations: The Case of the Prison," *Administrative Science Quarterly*, 4 (1959), 1–19.
Cressey, Donald R., "Prison Organizations," Ch. 24 in James G. March, ed., *Handbook of Organizations*, Rand McNally, 1965.
Cressey, Donald R., "The Nature and Effectiveness of Correctional Techniques," *Law and Contemporary Problems*, 23 (1958), 754–771.
Christiansen, Karl O., *Scandinavian Studies in Criminology*, Travistock, 1965.
Cohen, Fred, *The Legal Challenge to Corrections: Implications for Manpower and Training*, Joint Commission on Correctional Manpower and Training, 1969.
Conrad, John, *Crime and Its Correction: An International Survey of Attitudes and Practices*, University of California Press, 1965.
Corrections, Task Force Report, President's Commission on Law Enforcement and Administration of Justice, Govt. Printing Office, 1967.
Crowther, Carol, "Crimes, Penalties, and Legislatures," *Annals of the American Academy of Political and Social Science*, 381 (1969), 147–158.
Damerell, W. H., "Enforcement in Corrections: A Unique Concept in Use by the State of California Department of Corrections," *Police*, 14 (1969), 34–35.

Eaton, Joseph W., *Stone Walls Do Not a Prison Make*, Charles C. Thomas, 1962.

Elli, Frank, *The Riot*, Coward-McCann, 1966.

Empey, LaMar and George Newland, "Staff-Inmate Collaboration: A Study of Critical Incidents and Consequences in the Silverlake Experiment," *Journal of Research in Crime and Delinquency*, 5 (1968), 1–17.

Esselstyn, T. C., "The Social System of Correctional Workers," *Crime and Delinquency*, 12 (1966), 117–124.

Floch, Maurice and Frank E. Hartung, "A Social Psychological Analysis of Prison Riots: An Hypothesis," *Journal of Criminal Law, Criminology and Police Science*, 47 (1956), 51–57.

Fosen, Robert H. and Martin Rein, "Common Sense and Correctional Science," *Journal of Research in Crime and Delinquency*, 3 (1966), 73–81.

Friendly, Alfred and Ronald L. Goldfarb, *Crime and Publicity: The Impact of News on the Administration of Justice*, Twentieth Century Fund, 1967.

Galtung, Johan, "Prison: The Organization of a Dilemma," pp. 107–145 in D. R. Cressey, ed., *The Prison: Studies in Institutional Organization and Change*, Holt, Rinehart, and Winston, 1961.

Galtung, Johan, "The Social Functions of a Prison," *Social Problems*, 6 (1958), 127–140.

Glass, Robert J., *Review of Trends in Adult Corrections Over Thirty Years*, Michigan Department of Corrections, 1961.

Hall, Jay, Martha Williams and Louis Tomaino, "The Challenge of Correctional Change: The Interface of Conformity and Commitment," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 493–503.

Hammer, Max, "Differentiating Good and Bad Officers in a Progressive Rehabilitative Women's Reformatory," *Corrective Psychiatry and Journal of Social Therapy*, 14 (1968), 114–117.

Hayner, Norman S., "Correctional Systems and National Values," *British Journal of Criminology*, 3 (1962), 163–175.

Hazelrigg, Laurence E., ed., *Prison Within a Society: A Reader in Penology*, Doubleday, 1968.

Hirschkop, P. J. and M. A. Millimann, "The Unconstitutionality of Prison Life," *Virginia Law Review*, 55 (1969), 795–839.

Kassebaum, Gene G., David A. Ward, and Daniel M. Wilner, "Some Correlates of Staff Ideology in Prison," *Journal of Research in Crime and Delinquency*, 1 (1964), 96–109.

Lunden, Walter A., *The Prison Warden and the Custodial Staff*, Charles C. Thomas, 1965.

Lunden, Walter A., "Then Tenure and Turnover of State Prison Wardens," *American Journal of Correction*, 19 (1957), 14–15 ff.

Manual of Correctional Standards, American Correctional Association, 3rd edition, 1966.

Martin, John Bartlow, *Break Down the Walls*, Ballantine, 1954.

Mattick, Hans, ed., *The Future of Imprisonment in a Free Society*, St. Leonard's House, 1965.

McCleery, Richard H., *Policy Change in Prison Management*, Michigan State Univ. Govt. Research Bureau, 1957.

McCleery, Richard H., "The Governmental Process and Informal Social Control," Ch. 4 in D. R. Cressey, ed., *The Prison*, Holt, Rinehart and Winston, 1961.

McGrath, W. T., *Crime and Its Treatment in Canada*, Macmillan, 1965.

McGraw, Walter and Peg McGraw, *Assignment: Prison Riots*, Holt, Rinehart and Winston, 1954.

Menninger, Karl, *The Crime of Punishment*, Viking, 1968.

Morris, Norval, "Impediments to Penal Reform," *Univ. Chicago Law Review*, 33 (1960), 627–666.

Morris, Terence, Pauline Morris, and Barbara Biely, "It's the Prisoners Who Run This Prison," *Prison Service Journal*, 1 (1961), 3–11.

Mouledonse, Joseph C., "Organizational Goals and Structural Change: A Study of the Organization of a Prison System," *Social Forces*, 41 (1963), 283–290.

Murton, Tom and Joe Hyams, *Accomplices to the Crime*, Grove Press, 1969.

Ohlin, Lloyd E., *Sociology and the Field of Corrections*, Russell Sage, 1956.

Ohlin, Lloyd E., "The Reduction of Role-Conflict in Institutional Staff," *Children*, 5 (1958), 65–69.

Perlman, Harvey S. and Thomas B. Allington, *The Tasks of Penology*, Univ. Nebraska Press, 1969.

Polansky, Norman A., "The Prison as an Autocracy," *Journal of Criminal Law and Criminology*, 33 (1942), 16–22.

Reckless, Walter C., "The Impact of Correctional Programmes on Inmates," *British Journal of Delinquency*, 6 (1955), 138–147.

Rubin, Sol, *Crime and Juvenile Delinquency: A Rational Approach to Penal Problems*, Oceana, 1961.

Schneckloth, Merle R., "Why Do Honest Employees React Dishonestly?" *American Journal of Correction*, 21 (1959), 6 ff.

Schrag, Clarence, "The Correctional System: Problems and Prospects," *Annals of the American Academy of Political and Social Science*, 381 (1969), 11–20.

Schrag, Clarence, "The Sociology of Prison Riots," *Proceedings, American Correctional Association*, 1960, 138–145.

Schultz, Christine G. and Harry E. Allen, "Inmate and Non-Inmate Attitudes Toward Punitiveness," *Criminologica*, 5 (1967), 40–45.

Scudder, Kenyon J., *Prisoners Are People*, Doubleday, 1952.

Sechrest, Dale K., "Comparison of Inmate's and Staff's Judgments of the Severity of Offenses," *Journal of Research in Crime and Delinquency*, 6 (1969), 41–55.

Sykes, Gresham M., "The Corruption of Authority and Rehabilitation," *Social Forces*, 34 (1956), 257–262.

The Handbook of Interstate Crime Control, Council of State Governments, 1966.

Vinter, Robert D., "Analysis of Treatment Organizations," *Social Work*, 8 (1963), 3–15.

Vogelman, Richard P., "Prison Restrictions, Prisoner Rights," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 386–396.

Walker, Nigel, *Crime and Punishment in Britain*, Edinburgh Univ. Press, 1965.

Weber, George H., "Conflicts Between Professional and Non-Professional Personnel in Institutional Delinquency Treatment," *Journal of Criminal Law, Criminology and Police Science*, 48 (1957), 26–43.

Weber, George H., "Emotional and Defensive Reactions of Cottage Parents," pp. 189–228 in D. R. Cressey, *The Prison*, Holt, Rinehart and Winston, 1961.

Wechsler, Herbert, ed., *Model Penal Code*, American Law Institute, 1962.

Wheeler, Stanton, *et al.*, "Agents of Delinquency Control," pp. 31–60 in Stanton Wheeler, *Controlling Delinquents*, Wiley, 1968.

Wilson, Thomas P., "Patterns of Management and Adaptations to Organizational Roles," *American Journal of Sociology*, 74 (1968), 146–157.

Wolff, Michael, *Prison: The Prison System in Britain*, Barnes and Noble, 1967.

Zald, Mayer N., "Organizational Control Structure in Five Correctional Institutions," *American Journal of Sociology*, 68 (1962), 335–345.

Zald, Mayer N., "The Correctional Institution for Juvenile Offenders: An Analysis of Organizational Character," *Social Problems*, 8 (1960), 57–67.

IV. Correctional Communities

Barker, Gordon H. and W. Thomas Adams, "The Social Structure of a Correctional Institution," *Journal of Criminal Law, Criminology and Police Science*, 49 (1959), 417–422.

Berk, Bernard B., "Organizational Goals and Inmate Organization," *American Journal of Sociology*, 71 (1966), 522–534.
Cantine, Holley and Dachine Rainer, eds., *Prison Etiquette*, Retort, 1950.
Caldwell, Morris G., "Group Dynamics in the Prison Community," *Journal of Criminal Law, Criminology and Police Science*, 46 (1956), 648–657.
Clemmer, Donald, "Leadership Phenomena in a Prison Community," *Journal of Criminal Law and Criminology*, 28 (1938), 861–872.
Clemmer, Donald, *The Prison Community*, Christopher, 1940.
Cline, Hugh F. and Stanton Wheeler, "The Determinants of Normative Patterns in Correctional Institutions," pp. 173–184 in Nils Christie, ed., *Scandinavian Studies in Criminology*, Tavistock, Vol. 2, 1968.
Cloward, Richard A., "Social Control in the Prison," Ch. 2 in R. A. Cloward, *et al., Theoretical Studies in the Social Organization of the Prison*, Social Science Research Council, 1960.
Cressey, Donald R. and Witold Krassowski, "Inmate Organization and Anomie in American Prisons and Soviet Labor Camps," *Social Problems*, 5 (1957–58), 217–230.
Fisher, Sethard, "Social Organization in a Correctional Community," *Pacific Sociological Review*, 4 (1961), 87–93.
Garabedian, Peter G., "Legitimate and Illegitimate Alternatives in the Prison Community," *Sociological Inquiry*, 32 (1962), 172–184.
Garabedian, Peter G., "Social Roles and Processes of Socialization in the Prison Community," *Social Problems*, 11 (1963), 139–152.
Garabedian, Peter G., "The Natural History of an Inmate Community in a Maximum Security Prison," *Journal of Criminal Law, Criminology and Police Science*, 61 (1970), 78–85.
Garrity, Donald L., "The Prison as a Rehabilitation Agency," Ch. 9 in D. R. Cressey, *The Prison*, Holt, Rinehart and Winston, 1961.
Goffman, Erving, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Doubleday, 1961.
Goffman, Erving, "On the Characteristics of Total Institutions," pp. 15–106 in D. R. Cressey, *The Prison*, Holt, Rinehart and Winston, 1961.
Grosser, George H., "The Role of Informal Inmate Groups in Change of Values," *Children*, 5 (1958), 25–29.
Grusky, Oscar, "Organizational Goals and the Behavior of Informal Leaders," *American Journal of Sociology*, 65 (1959), 59–67.
Grusky, Oscar, "Some Factors Promoting Cooperative Behavior Among Inmate Leaders," *American Journal of Correction*, 21 (1959), 8–9 ff.
Irwin, John, *The Felon*, Prentice-Hall, 1970.
Irwin, John and Donald R. Cressey, "Thieves, Convicts and the Inmate Culture," *Social Problems*, 10 (1962), 142–155.
Johnson, Elmer H., "Sociology of Confinement: Assimilation and the Prison Rat," *Journal of Criminal Law, Criminology and Police Science*, 51 (1961), 528–533.
Ketchum, J. Davidson, *Ruhleben: A Prison Camp Society*, Univ. Toronto Press, 1965.
Klare, Hugh J., *Anatomy of a Prison*, Penguin, 1962.
Mann, W. E., *Society Behind Bars: A Sociological Scrutiny of Guelph Reformatory*, Social Science Publishers, Toronto, 1967.
Mathiesen, Thomas, *Defences of the Weak: A Sociological Study of a Norwegian Correctional Institution*, Tavistock, 1965.
McCorkle, Lloyd W., "Social Structure in a Prison," *Welfare Reporter*, 8 (1956), 5–6 ff.
Messinger, Sheldon L., "Issues in the Study of the Social System of Prison Inmates," *Issues in Criminology*, 4 (1970), 133–144.
Morris, Terence and Pauline Morris, *Pentonville: A Sociological Study of an English Prison*, Routledge and Kegan Paul, 1963.
Polsky, Howard W., *Cottage Six*, Russell Sage, 1962.
Riemer, Hans, "Socialization in the Prison Community," *Proceedings, American Prison Association*, 1937, 151–155.

Roebuck, Julian, "A Critique of 'Thieves, Convicts and the Inmate Culture'," *Social Problems*, 2 (1963), 193–200.

Somner, Herbert and Humphrey Osmond, "Symptoms of Institutional Care," *Social Problems*, 8 (1960–61), 254–263.

Schrag, Clarence, "A Preliminary Criminal Typology," *Pacific Sociological Review*, 4 (1961), 11–16.

Schrag, Clarence, "Leadership Among Prison Inmates," *American Sociological Review*, 19 (1954), 37–42.

Schrag, Clarence, "Some Foundations for a Theory of Correction," Ch. 8 in D. R. Cressey, *The Prison*, Holt, Rinehart and Winston, 1961.

Street, David, Robert D. Vinter and Charles Perrow, *Organization for Treatment: A Comparative Study of Institutions for Delinquents*, Free Press, 1966.

Street, David, "The Inmate Group in Custodial and Treatment Settings," *American Sociological Review*, 30 (1965), 40–45.

Studt, Elliot, Sheldon L. Messinger and Thomas P. Wilson, *C-Unit: Search for Community in a Prison*, Russell Sage, 1968.

Sykes, Gresham M., "Men, Merchants and Toughs: A Study of Reactions to Imprisonment," *Social Problems*, 4 (1956), 130–138.

Sykes, Gresham and Sheldon L. Messinger, "The Inmate Social System," pp. 5–20 in R. A. Cloward, *et al.*, *Theoretical Studies in the Social Organization of the Prison*, Social Science Research Council, 1960.

Sykes, Gresham M., *The Society of Captives: A Study of a Maximum Security Prison*, Princeton Univ. Press, 1958.

Tittle, Charles R., "*Inmate Organization: Sex Differentiation and the Influence* of Criminal subcultures," *American Sociological Review*, 34 (1968), 492–505.

Tittle, Charles R. and Drollene P. Tittle, "Social Organization of Prisoners: An Empirical Test," *Social Forces*, 43 (1964), 216–221.

Ward, David A. and Gene G. Kassebaum, *Women's Prison: Sex and Social*

Weinberg, S. Kirson, "Aspects of the Prison's Social Structure," *American Journal of Sociology*, 47 (1942), 717–726.

Wellford, Charles, "Factors Associated with Adoption of the Inmate Code: A Study of Normative Socialization," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 197–203.

Wheeler, Stanton, "Role Conflict in Correctional Communities," Ch. 6 in D. R. Cressey, *The Prison*, Holt, Rinehart and Winston, 1961.

Wheeler, Stanton, "Socialization in Correctional Communities," *American Sociological Review*, 26 (1961), 697–712.

Wheeler, Stanton, "Social Organization and Inmate Values in Correctional Communities," *Proceedings, American Correctional Association*, 1959, 189–198.

Wilmer, Harry A., "The Role of the Rat in Prison," *Federal Probation*, 29 (1965), 44–49.

V. Inmate Attitudes and Performance

Adamek, Raymond J. and Edward Z. Dager, "Social Structure, Identification and Change in a Treatment-Oriented Institution," *American Sociological Review*, 33 (1968), 931–944.

Baum, Martha and Stanton Wheeler, "Becoming an Inmate," pp. 153–185 in Stanton Wheeler, *Controlling Delinquents*, Wiley, 1968.

Bondeson, Ulla, "Argot Knowledge as an Indicator of Criminal Socialization," pp. 73–107 in Nils Christie, ed., *Scandinavian Studies in Criminology*, Tavistock, Vol. 2, 1968.

Cavan, Ruth S. and Eugene Zemans, "Marital Relationships of Prisoners in Twenty-Eight Countries," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 133–139.

Structure, Aldine, 1965.

Cohen, Bruce J. and Arthur M. Vener, "Self-Concept Modification and Total Correctional Institutions," *Journal of Correctional Education*, 20 (1968), 8–11 ff.

Cowden, James E., "An Analysis of Some Relationships Between Personality Adjustment, Placement, and Post-Release Adjustment of Delinquent Boys," *Journal of Research in Crime and Delinquency*, 6 (1969), 63–70.

Eynon, Thomas G. and Jon E. Simpson, "The Boy's Perception of Himself in a State Training School for Delinquents," *Social Service Review*, (1965), 31–37.

Giollombardo, Rose, *Society of Women*, Wiley, 1966.

Hassler, Alfred, *Diary of a Self-Made Convict*, Henry Regnery, 1954.

Hulin, Charles L. and Brendan A. Maher, "Changes in Attitudes Toward Law Concomitant With Imprisonment," *Journal of Criminal Law, Criminology and Police Science*, 50 (1959), 245–248.

Kay, Barbara, "Value Orientations as Reflected in Expressed Attitudes are Associated with Ascribed Sex Roles," *Canadian Journal of Corrections*, 11 (1969), 193–197.

Lazzaro, Thomas A., *et al.*, "Impulse Control in Minimum and Maximum Security Inmates," *Journal of Correctional Education*, 21 (1969), 8–10.

Lembo, James J., "The Relationship of Institutional Disciplinary Infractions and the Inmate's Personal Contact with the Outside Community," *Criminologica*, 7 (1969), 50–54.

Megargee, E. I., *et al.*, "Time Orientation of Youthful Prison Inmates," *Federal Correctional Institution Research Reports*, 1 (1969), 1–18.

Moos, Rudolf H., "The Assessment of the Social Climates of Correctional Institutions," *Journal of Research in Crime and Delinquency*, 5 (1968), 174–188.

Morris, Pauline, *Prisoners and Their Families*, Allen and Unwin, 1965.

Morrison, June, "The Inmate Volunteer: A Study of Paradoxical Assumptions," *Journal of Research in Crime and Delinquency*, 4 (1967), 263–268.

Mylonas, Anastassios and Walter C. Reckless, "Prisoner Attitudes Toward Law and Legal Institutions," *Journal of Criminal Law, Criminology and Police Science*, 53 (1963), 479–484.

Riggs, John E., William Underwood and Marguerite Q. Warren, *Interpersonal Maturity Level Classification*, California Dept. of the Youth Authority, 1964.

Seeman, Melvin, "Alienation and Social Learning in a Reformatory," *American Journal of Sociology*, 69 (1963), 270–284.

Simpson, Jon E., Thomas G. Eynon and Walter C. Reckless, "Institutionalization as Perceived by the Juvenile Offender," *Sociology and Social Research*, 48 (1963), 13–23.

Toch, Hans, "Prison Inmates' Reactions to Furlough," *Journal of Research in Crime and Delinquency*, 4 (1967), 248–262.

Waldo, Gordon P., "The Criminality Level of Incarcerated Murderers and Nonmurderers," *Journal of Criminal Law, Criminology and Police Science*, 61 (1970), 60–70.

Ward, David A. and Gene G. Kassebaum, "Homosexuality: A Mode of Adaptation in a Prison for Women," *Social Problems*, 12 (1964), 159–177.

Weber, George H., "Changes in Delinquent Attitudes Among Delinquent Boys Committed to Open and Closed Institutions," *Journal of Criminal Law, Criminology and Police Science*, 52 (1961), 166–177.

Wolfgang, Marvin E., "Quantitative Analysis of Adjustment to the Prison Community," *Journal of Criminal Law, Criminology and Police Science*, 51 (1961), 607–618.

Wulbert, Roland, "Inmate Pride in Total Institutions," *American Journal of Sociology*, 71 (1965), 1–9.

Zemans, Eugene and Ruth S. Cavan, "Marital Relationships Among Prisoners," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 50–57.

VI. Institutional Treatment Programs

Adams, Stuart, *College-Level Instruction in U. S. Prisons*, Univ. California School of Criminology, 1968.

Apprentice and Trade Training Program Survey, Massachusetts Correctional Institution, Norfolk, 1969.

A Review of Pre-Release Programs, Sam Houston State College, 1969.

Baker, J. E., "Inmate Self-Government," *Journal of Criminal Law, Criminology and Police Science*, 55 (1964), 39–47.

Bell, Percy B., Merlyn Mathews and W. Scott Fulton, *A Future for Correctional Rehabilitation?*, Washington State Division of Vocational Rehabilitation, 1969.

Briggs, Dennie, "Convicted Felons as Social Therapists," *Corrective Psychiatry and Journal of Social Therapy*, 9 (1963), 122–127.

Briggs, Dennie L. and John M. Dowling, "The Correctional Officer as Consultant: An Emerging Role in Penology," *American Journal of Correction*, 26 (1964), 28–31.

Coe, Rodney M. and Albert J. Shafter, "Survey of Classification Systems in the United States," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 316–320.

Cook, Joseph A. and Gilbert Geis, "Forum Anonymous: The Techniques of Alcoholics Anonymous Applied to Prison Therapy," *Journal of Social Therapy*, 3 (1957), 9–13.

Cooper, W. D., "Employers and Employees in the Work-Release Program in North Carolina," *Crime and Delinquency*, 16 (1970), 427–433.

Cressey, Donald R., "Changing Criminals: The Application of the Theory of Differential Association," *American Journal of Sociology*, 61 (1955), 116–120.

Cressey, Donald R., "Rehabilitation Theory and Reality: Organization and Freedom," *California Youth Authority Quarterly*, 10 (1957), 40–47.

Cressey, Donald R., "Social Psychological Foundations for Using Criminals in the Rehabilitation of Criminals," *Journal of Research in Crime and Delinquency*, 2 (1965), 49–59.

Cross, Tim, *College-in-Prison: Feasibility Study*, Harvard University, 1969.

Denker, H. C. B., ed., *Therapeutic Community*, Charles C. Thomas, 1960.

De Roo, William M., ed., *The Public Offender and Vocational Rehabilitation*, University of Wisconsin, 1968.

Edwards, Ralph D., "Correctional Industries and Inmate Training," *Proceedings, American Correctional Association*, 1963, 197–200.

Fenton, Norman, *An Introduction to Group Counseling in State Correctional Service*, American Correctional Association, 1958.

Fenton, Norman, *et al.*, *Explorations in the Use of Group Counseling in the County Correctional Program*, Pacific Books, 1962.

Fox, Vernon, "Analysis of Prison Disciplinary Problems," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 321–326.

Gallington, Daniel J., "Prison Disciplinary Decisions," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 152–164.

Gibbons, Don C., *Changing the Lawbreaker: The Treatment of Delinquents and Criminals*, Prentice-Hall, 1965.

Glasser, William, *Reality Therapy*, Harper and Row, 1965.

Grant, J. Douglas and Marguerite Q. Grant, "A Group Dynamics Approach to the Treatment of Nonconformists in the Navy," *Annals of the American Academy of Political and Social Science*, 322 (1959), 126–136.

Green, Lowell E., *et al.*, *Vocational Rehabilitation Services in a State Penitentiary System*, Oklahoma Vocational Rehabilitation Service and the State Penitentiary, 1967.

Haskell, Martin R. and H. Ashley Weeks, "Role Training as Preparation for Release from a Correctional Institution," *Journal of Criminal Law, Criminology and Police Science*, 50 (1960), 441–447.

Hippchen, Leonard J., "Relationship of Offense Type to Rehabilitation and Follow-Up Success," *Criminologica*, 6 (1968), 56–60.

Holt, Norman and Rudy Renteria, "Prerelease Program Evaluation: Some Implications of Negative Findings," *Federal Probation*, 33 (1969), 40–45.

Hopper, Columbus B., *Sex in Prison: The Mississippi Experiment in Conjugal Visiting*, Louisiana State University Press, 1969.

Jesness, Carl F., *The Fricot Ranch Study*, California Dept. of the Youth Authority, 1965.

Johnson, Elmer H., "Report on an Innovation—State Work-Release Programs," *Crime and Delinquency*, 16 (1970), 417–426.

Killinger, George G., ed., *Proceedings of the National Conference on Pre-Release*, Sam Houston State College, 1967.

Knight, Doug, *The Marshall Program: Assessment of Short-Term Institutional Treatment*, California Dept. of the Youth Authority, 1969.

Kurtzberg, Richard, Howard Safar and Wallace Mandel, "Plastic Surgery in Corrections," *Federal Probation*, 33 (1969), 44–47.

Kurtzberg, Richard L., ed., *Surgical and Social Rehabilitation of Adult Offenders*, Montefiore Hospital and Medical Center, 1968.

Lopex-Rey, Manuel, "Some Considerations of the Character and Organization of Prison Labor," *Journal of Criminal Law, Criminology and Police Science*, 49 (1958), 10–28.

MacDonald, George J., *et al., Treatment of the Sex Offender: Report on the First Ten Years of a Hospital Program*, Washington State, Western State Hospital, 1968.

Mathews, Merlyn, *Correctional Rehabilitation: Boom or Bust?*, Federal Offenders Rehabilitation Project, Seattle, 1968.

McCorkle, Lloyd E. and Richard Korn, "Resocialization Within Walls," *Annals of the American Academy of Political and Social Science*, 293 (1954), 88–98.

McCorkle, Lloyd W., Albert Elias and F. Lovell Bixby, *The Highfields Story*, Holt, 1958.

McKee, John M., *The Draper Project*, The Rehabilitation Research Foundation, Elmore, Alabama, 1969.

Meyer, Henry J., Edgar F. Borgatta and W. C. Jones, *Girls at Vocational High*, Russell Sage, 1965.

Murphy, Edward M. and Ruth M. Conklin, *An Approach to Determining the Effectiveness of the Woodbourne Project*, New York State Division of Parole, 1968.

Ohlin, Lloyd E. and William C. Lawrence, "Social Interaction Among Clients as a Treatment Problem," *Social Work*, 4 (1959), 3–13.

Polsky, Howard W., "Changing Delinquent Subcultures: A Social Psychological Approach," *Social Work*, 4 (1959), 3–15.

Powelson, Harvey and Reinhard Bendix, "Psychiatry in Prison," *Psychiatry*, 14 (1951), 73–86.

Proctor, Carroll, R., "Prison Industries Apprenticeship Training," *Proceedings, American Correctional Association*, 1963, 225–235.

Randolph, Ross V., "Automation in Industries," *Proceedings, American Correctional Association*, 1964, 194–200.

Re-Educating Confined Delinquents, Federal Prison Industries, Dept. of Justice, 1965.

Report on the Economic Status and Rehabilitative Value of California Correctional Industries, California Assembly Office of Research, 1969.

Rydeen, H. L., "The Apprenticeship Program in Penal Institutions," *Proceedings, American Correctional Association*, 1963, 200–208.

Sands, Bill, *My Shadow Ran Fast*, Prentice-Hall, 1964.

Seckel, Joachim P., *Experiments in Group Counseling at Two Youth Authority Institutions*, California Dept. of the Youth Authority, 1965.

Spiller, Bartram, "The Seven Steps Program: A Convict Self-Help Movement," *Prison Journal*, 46 (1966), 21–30.

Stephenson, Richard M. and Frank R. Scarpitti, "Argot in a Therapeutic Milieu," *Social Problems*, 15 (1968), 384–395.

Sternberg, David, "Legal Frontiers in Prison Group Psychotherapy." *Journal of Criminal Law, Criminology and Police Science*, 56 (1966), 446–449.
Sturup, Georg K., *Treating the Untreatable: Chronic Criminals at Herstedvester*, Johns Hopkins, 1968.
The Role of Organized Labor in the Vocational Training and Placement of Hard-Core Youth, U. S. Dept. of Health, Education and Welfare, 1968.
The Short-Term Return Program, California Department of Corrections, 1968.
Tilden, George W., "Missouri Department of Corrections Occupational Evaluation and Utilization Program," *Proceedings, American Correctional Association*, 1964, 200–204.
Volkman, Rita and Donald R. Cressey, "Differential Association and the Rehabilitation of Drug Addicts," *American Journal of Sociology*, 69 (1963), 129–142.
Whipple, Charles M., "Therapy in a Biology Classroom," *Journal of Correctional Education*, 21 (1969), 16–20.
Yablonsky, Lewis, *The Tunnel Back: Synanon*, Macmillan, 1965.

VII. Probation and Parole

Ackerman, John R., "Reality Therapy Approach to Probation and Parole Supervision," *Probation and Parole*, 1 (1969), 15–17.
Adams, Stuart, *et al., Parole Performance Trends Among Community Treatment Center Releasees*, District of Columbia Corrections Dept., 1968.
Adams, Stuart, "The PICO Project," pp. 548–561 in Norman Johnston, *et al., The Sociology of Punishment and Correction*, Wiley, 1970.
Arluke, Nat R., "A Summary of Parole Rules," *National Probation and Parole Association Journal*, 2 (1956), 6–13.
Arluke, Nat R., "A Summary of Parole Rules: Thirteen Years Later," *Crime and Delinquency*, 15 (1969), 267–274.
Arnold, William R., "A Functional Explanation of Recidivism," *Journal of Criminal Law, Criminology and Police Science*, 56 (1965), 212–220.
Ball, Alfred C., *The Saginaw Probation Demonstration Project*, Michigan Crime and Delinquency Council, 1963.
Barr, Hugh and Erica O'Leary, *Trends and Regional Comparisons in Probation*, British Majesty's Stationery Office, 1966.
Best, Judah and Paul Birzon, "Conditions of Probation," *Georgetown Law Journal*, 51 (1963), 809–836.
Beverly, Robert F. and Evelyn S. Guttmann, *An Analysis of Parole Performance by Institution of Release*, California Dept. of the Youth Authority, 1962.
Brendes, Ralph C., "Interstate Supervision of Parole and Probation," *Crime and Delinquency*, 14 (1968), 253–260.
California's Probation Subsidy: A Report to the Legislature, California Dept. of the Youth Authority, 1969.
Cantor, Barbara and Stuart Adams, *The Cost of Correcting Youthful Offenders*, District of Columbia Corrections Department, 1968.
Carter, Robert M. and Leslie T. Wilkins, *Probation and Parole: Selected Readings*, Wiley, 1970.
Carter, Robert M. and Leslie T. Wilkins, "Some Factors in Sentencing Policy," *Journal of Criminal Law, Criminology and Police Science*, 58 (1967), 503–514.
Cohen, Fred, "Sentencing, Probation and the Rehabilitative Ideal: The View from Mempa vs. Rhay," *Texas Law Review*, 47 (1968), 1–59.
Cohn, Yona, "Criteria for the Probation Officer's Recommendations to the Juvenile Court," *Crime and Delinquency*, 1 (1963), 262–275.
Cressey, Donald R., "Professional Correctional Work and Professional Work in Correction," *National Probation and Parole Association Journal*, 5 (1959), 1–15.
Crihfield, B. E., "The Interstate Parole and Probation Compact," *Federal Probation*, 17 (1953), 3–7.

Davis, George F., "A Study of Adult Probation Violation Rates by Means of the Cohort Approach," *Journal of Criminal Law, Criminology and Police Science*, 55 (1964), 70–84.

Doleschal, Eugene, *Graduated Release*, National Council on Crime and Delinquency, 1969.

Dressler, David, *Practice and Theory of Probation and Parole*, Columbia Univ. Press, 1969.

England, Ralph W., "What is Responsible for Satisfactory Probation and Post-Probation Outcome?" *Journal of Criminal Law, Criminology and Police Science*, 47 (1957), 667–676.

Garabedian, Peter G., "Policy Questions in Delinquency Control: Perspectives of Police and Probation Officers," pp. 285-299 in Peter G. Garabedian and Don C. Gibbons, *Becoming Delinquent*, Aldine, 1970.

Geis, Gilbert and Fred W. Woodson, "Matching Probation Officers and Delinquents," *National Probation and Parole Association Journal*, 2 (1956), 58–62.

Giardini, G. I., "Good Time—Placebo of Correction," *American Journal of Correction*, 20 (1958), 3–5 ff.

Giardini, G. I., *The Parole Process*, Charles C. Thomas, 1959.

Glaser, Daniel, Eugene S. Zemans and Charles W. Dean, *Money Against Crime: A Survey of Economic Assistance to Released Prisoners*, John Howard Assoc., 1961.

Glaser, Daniel and Vincent O'Leary, "Personal Characteristics and Parole Outcome," *National Parole Institutes*, Govt. Printing Office, 1966.

Glaser, Daniel, Fred Cohen and Vincent O'Leary, *The Sentencing and Parole Process*, Govt. Printing Office, 1966.

Gottfredon, Don M. and Kelley B. Ballard, "Differences in Decisions Associated with Decision Makers," *Journal of Research in Crime and Delinquency*, 3 (1966), 112–119.

Gottfredson, Don M., Kelley B. Ballard and Vincent O'Leary, "Uniform Parole Reports: A Feasibility Study," *Journal of Research in Crime and Delinquency*, 3 (1966), 97–111.

Gross, Seymour Z., "The Prehearing Juvenile Report: Probation Officers' Conceptions," *Journal of Research in Crime and Delinquency*, 4 (1967), 212–217.

Grygier Tadeusz, "A Computer-Made Device for Sentencing Decisions," *Journal of Research in Crime and Delinquency*, 6 (1969), 199–209.

Hager, Don J., "Race, Nationality and Religion—Their Relationship to Appointment Policies and Practices," *National Probation and Parole Association Journal*, 3 (1957), 129–141.

Hardman, Dale G., "The Function of the Probation Officer," *Federal Probation*, 24 (1960), 3–10.

Haskell, Martin R. and Bert Madison, "Group Home for Parolees," *California Youth Authority Quarterly*, 19 (1966), 26–27.

Havel, Joan, *Special Intensive Parole Unit: The High Base Expectancy Study*, California Department of Corrections, 1963.

Havel, Joan, *The Parole Outcome Study*, California Department of Corrections, 1965.

Hayner, Norman S., "Sentencing by an Administrative Board," *Law and Contemporary Problems*, 23 (1958), 477–494.

Holtzoff, Alexander, "The Power of Probation and Parole Officers to Search and Seize," *Federal Probation*, 31 (1967), 3–7.

Horlick, Reuben S., "Inmate Perception of Obstacles to Readjustment in the Community," *Proceedings*, American Correctional Association, 1961, 200–205.

Jacks, William L., *A Time Study of Parole Agents*, Pennsylvania Board of Parole, 1961.

Jacks, William L., "Release on Parole to Plans with and without Employment," *American Journal of Corrections*, 24 (1962), 12 ff.

Jaman, Dorothy R. and Robert M. Dickover, *A Study of Parole Outcome as a Function of Time Served*, California Department of Corrections, 1969.

Jamison, Carolyn B., Bertram M. Johnson and Evelyn S. Guttmann, *An Analysis of Post-Discharge Criminal Behavior*, California Dept. of the Youth Authority, 1966.

Johnson, Elmer H., "The Parole Supervisor in the Role of Stranger," *Journal of Criminal Law, Criminology and Police Science*, 50 (1959), 38–43.

Krueger, Gladys M., *Survey of Probation Officers, 1959*, Govt. Printing Office, 1960.

Landis, Judson, James D. Mercer and Carole E. Wolff, "Success and Failure of Adult Probationers in California," *Journal of Research in Crime and Delinquency*, 6 (1969), 34-40.

Lohman, Joseph D., Albert Wahl and Robert M. Carter, *The San Francisco Project*, University of California, 1966.

Lohman, Joseph D., *et al.*, *The San Francisco Project: Classification Criteria for Establishing Caseload Models*, University of California, 1967.

Manella, Raymond L., *Post-Institutional Services for Delinquent Youth*, U. S. Dept. of Health, Education and Welfare, 1967.

Mannheim, Hermann, "Comparative Sentencing Practices," *Law and Contemporary Problems*, 23 (1958), 557–582.

Martin, J. P., "Aftercare in Transition," pp. 88–108 in T. Grygier, *et al.*, *Criminology in Transition*, Tavistock, 1964.

Martin, John P., *Offenders as Employees*, Macmillan, 1962.

McMillian, James D. and Peter G. Garabedian, "Attitudes of Probation Officers Toward Due Process for Juvenile Offenders," pp. 266–284 in P. G. Garabedian and D. C. Gibbons, *Becoming Delinquent*, Aldine, 1970.

Miles, Arthur P., "Time Studies in Probation and Parole," *Crime and Delinquency*, 15 (1969), 259–266.

Milligan, William D., "Parole Revocation Hearings in California and the Federal System," *California Western Law Review*, 4 (1968), 18–34.

Mueller, Paul, *Advanced Releases to Parole*, California Department of Corrections, 1965.

Newman, Charles L., *Sourcebook on Probation, Parole, and Pardons*, Charles C. Thomas, 1968.

Nice, Richard W., "Aftercare Treatment of the Released Offender," *Corrective Psychiatry and Journal of Social Therapy*, 12 (1966), 293–300.

Ohlin, Lloyd E., Herman Piven and Donnell M. Pappenfort, "Major Dilemmas of the Social Worker in Probation and Parole," *National Probation and Parole Association Journal*, 2 (1956), 211–225.

Osman, Marvin P. and David B. Hobbs, "Considerations of Group Therapy for Recently Released Offenders," *Corrective Psychiatry and Journal of Social Therapy*, 12 (1966), 363–370.

Parole Board Structure: A Report on the Structure of Boards in the United States, Washington State Legislative Council and Board of Prison Terms and Paroles, 1960.

"Post-Institutional Behavior of Inmates Released from Washington State Adult Correctional Institutions," *Washington Department of Institutions Research Review*, 19 (1965), 56.

Powers, Edwin, *Parole Eligibility of Prisoners Serving a Life Sentence*, Massachusetts Correctional Association, 1969.

Rasmussen, Donald, "Prisoner Opinions About Parole," *American Sociological Review*, 5 (1940), 592–594.

Rector, Milton G., "Factors in Measuring Recidivism as Presented in Annual Reports," *National Probation and Parole Association Journal*, 4 (1958), 218–232.

Reed, John P. and Charles E. King, "Factors in the Decision-Making of North Carolina Probation Officers," *Journal of Research in Crime and Delinquency*, 3, (1966), 120–128.

Reich, Miriam, "Therapeutic Implications of the Indeterminate Sentence," *Issues in Criminology*, 1966, 7–28.

Reimer, Ernest and Martin Warren, *Special Intensive Parole Unit: Thirty Man Caseload Study*, California Department of Corrections, 1958.

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Reimer, Ernest and Martin Warren, "Special Intensive Parole Unit: Relationship Between Violation Rate and Initially Small Caseload," *National Probation and Parole Association Journal*, 3 (1957), 1–8.

Reinhardt, James M., "The Discharged Prisoner and the Community," *Federal Probation*, 21 (1957), 47–51.

Robison, James and Marinette Kevorkian, *Intensive Treatment Project: Parole Outcome*, California Department of Corrections, 1967.

Rogers, Joseph W. and Norman S. Hayner, "The Ideal Parole Board: Views from the Correctional World and the Society of Captives," *Proceedings, American Correctional Association*, 1963, 287–300.

Rubin, Sol, "Probation and Due Process of Law," *Crime and Delinquency*, 11 (1965), 30–38.

Rumney, Jay and Joseph P. Murphy, *Probation and Social Adjustment*, Rutgers Univ. Press, 1952.

Scarpitti, Frank R. and Richard M. Stephenson, "A Study of Probation Effectiveness," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 361–369.

Schafer, Stephen, *Restitution to Victims of Crime*, Stevens and Sons, 1960.

Schwitzgebel, Ralph K., "Issues in the Use of an Electronic Rehabilitation System with Chronic Recidivists," *Law and Society Review*, 3 (1969), 597–615.

Sellin, Thorsten, "Adult Probation and the Conditional Sentence," *Journal of Criminal Law, Criminology and Police Science*, 49 (1959), 533–536.

Sklar, Ronald B., "Law and Practice in Probation and Parole Revocation Hearings," *Journal of Criminal Law, Criminology and Police Science*, 55 (1964), 175–198.

Skolnick, Jerome K., "Toward a Developmental Theory of Parole," *American Sociological Review*, 25 (1960), 542–549.

Stanton, John M., "Is it Safe to Parole Inmates without Jobs?" *Crime and Delinquency*, 12 (1966), 147–150.

Studt, Elliot, *The Reentry of the Offender Into the Community*, U. S. Dept. of Health, Education and Welfare, 1967.

Takagi, Paul, "The Parole Violator: An Organizational Reject," *Journal of Research in Crime and Delinquency*, 6 (1969), 78–86.

Taylor, Edward M. and Alexander W. McEachern, "Needs and Directions in Probation Training," *Federal Probation*, 30 (1966), 18–24.

Uniform Parole Reporting: Interstate Reliability, National Parole Institutes, 1969.

Van Laningham, Dale E., *et al.*, "How Adult Probation Officers View Their Job Responsibilities," *Crime and Delinquency*, 12 (1966), 97–108.

Venezia, Peter S. and Alvin Cohn, *Uniform Probation Reports: A Feasibility Study*, National Council on Crime and Delinquency, 1968.

Volunteer Tutors in Court Probation Programs, U. S. Office of Juvenile Delinquency and Youth Development, 1968.

Wahl, Albert and Daniel Glaser, "Pilot Time Study of the Federal Probation Officer's Job," *Federal Probation*, 27 (1963), 20–25.

Wechsler, Herbert, "Sentencing, Correction and the Model Penal Code," *Univ. Pennsylvania Law Review*, 109 (1961), 465–493.

Wolfgang, Marvin E., "Murder, the Pardon Board, and Recommendations by Judges and District Attorneys," *Journal of Criminal Law, Criminology and Police Science*, 50 (1959), 338–346.

VIII. Community Treatment Programs

A Cooperative Program for the Alleviation of Juvenile Behavior Problems, U. S. Dept. of Health, Education and Welfare, 1968.

Amos, William E., *Action Programs for Delinquency Prevention*, Charles C. Thomas, 1965.

Arnold, Robert, "Mobilization for Youth: Patchwork or Solution?" *Dissent*, 11 (1964), 347–354.

Bachman, David D., *Work-Release Programs for Adult Felons in the United States: A Descriptive Study*, Florida Division of Corrections, 1968.
Blacker, Edward and David Kantor, "Half-Way Houses for Problem Drinkers," *Federal Probation*, 24 (1960), 18–23.
Bradley, Harold B., Glynn B. Smith, William K. Salstrom, *et al.*, *The Non-Prison: A New Approach to Treating Youthful Offenders*, Bruce, 1970.
Bullington, Bruce, John G. Munns and Gilbert Geis, "Purchase of Conformity: Ex-Narcotic Addicts Among the Bourgeosie," *Social Problems*, 16 (1969), 456–463.
Carpenter, Lawrence A., "A Federal Work Release Agency," *Nebraska Law Review*, 45 (1966), 690–701.
Citizen Action to Control Crime and Delinquency, National Council on Crime and Delinquency, 1969.
Community Work: An Alternative to Imprisonment, Correctional Research Associates, 1967.
Crump, William A. and Thomas L. Porter, *Rehabilitation of the Public Offender*, U. S. Govt. Printing Office, 1967.
Empey, LaMar T., *Alternatives to Incarceration*, Office of Juvenile Delinquency and Youth Development, 1967.
Empey, LaMar T. and Jerome Rabow, "The Provo Experiment in Delinquency Rehabilitation," *American Sociological Review*, 26 (1961), 679–695.
Empey, LaMar T., and Steven G. Lubeck, *The Silverlake Experiment*, Aldine, 1971.
Galvin, John J., ed., *Treating Youth Offenders in the Community*, Correctional Research Associates, 1966.
Geis, Gilbert, *The East Los Angeles Halfway House for Narcotic Addicts*, Institute for the Study of Crime and Delinquency, Sacramento, 1966.
Grupp, Stanley, "Work Release: Statutory Patterns, Implementation and Problems," *Prison Journal*, 44 (1964), 4–25.
Hackler, James C., "Boys, Blisters and Behavior: The Impact of a Work Program in an Urban Central Area," *Journal of Research in Crime and Delinquency*, 3 (1966), 155–164.
Holt, Norman, *California's Prerelease Furlough Program for State Prisoners*, California Department of Corrections, 1969.
Horlick, Reuben S. and John S. Miller, *Development of a Vocational Rehabilitation Center*, District of Columbia Dept. of Corrections, 1968.
Hulbert, James F. and Nathan G. Mandel, *Work Release in Minnesota*, Minnesota Department of Corrections, 1966.
Jansyn, Leon, *et al.*, *Ex-Offenders as Small Businessmen: Opportunities and Obstacles*, Rutgers University, 1969.
Jobson, K. B., "Work Release: A Case for Intermittent Sentences," *Criminal Law Quarterly*, 10 (1968), 329–340.
Kennedy, Robert F., "Halfway Houses Pay Off," *Crime and Delinquency*, 10 (1964), 1–7.
Kirby, Bernard C., "Crofton House: An Experiment with a County Halfway House," *Federal Probation*, 33 (1969), 53–58.
Knopf, Terry Ann, *Youth Patrols: An Experiment in Community Participation*, Brandeis University, 1969.
Kobrin, Solomon, "The Chicago Area Project—A 25 Year Assessment," *Annals of the American Academy of Political and Social Science*, 322 (1959), 20–29.
Kramer, John C., Richard A. Bass and John Berecochea, "Civil Commitment for Addicts: The California Program," *American Journal of Psychiatry*, 125 (1968), 816–824.
Leiberg, Leon G., *Project Challenge*, National Committee for Children and Youth, 1968.
Luger, Milton, "Innovations in the Treatment of Juvenile Offenders," *Annals of the American Academy of Political and Social Science*, 381 (1969), 60–70.

McMillan, David R., "Work Furlough for the Jailed Prisoner," *Federal Probation*, 29 (1965), 33–34.

Meyer, Henry J., Edgar F. Borgatta and Wyatt C. Jones, *Girls at Vocational High: An Experiment in Social Work Intervention*, Russell Sage, 1965.

Miller, Walter B., "The Impact of a 'Total Community' Delinquency Control Project," *Social Problems*, 10 (1962), 168–191.

Montilla, M. Robert, "Opportunities for Action Research in Community Correction," *Journal of Research in Crime and Delinquency*, 6 (1969), 123–134.

Nahrendorf, Richard O., "A Correctional Dilemma: The Narcotics Addict," *Sociology and Social Research*, 52 (1968), 21–33.

Nelson, Elmer K., "Community-Based Correctional Treatment: Rationales and Problems," *Annals of the American Academy of Political and Social Science*, 374 (1967), 82–91.

Ohlin, Lloyd E., "The Effect of Social Change on Crime and Law Enforcement," *Notre Dame Lawyer*, 43 (1968), 834–846.

Outward Bound, Inc., Massachusetts Division of Youth Services, 1967.

Palmer, Theodore B., *et al., Community Treatment Project: An Evaluation of Community Treatment for Delinquents*, California Dept. of the Youth Authority, 1968.

Pearl, Arthur and Frank Reissman, *New Careers for the Poor*, Free Press, 1965.

Pearl, Arthur, "The Halfway House: The Focal Point of a Model for the Rehabilitation of Low Income Offenders," pp. 497–508 in Frank Reissman, *et al., Mental Health for the Poor*, Free Press, 1964.

Pilnick, Saul, Albert Elias and Neale Clapp, "The Essexfields Concept: A New Approach to the Social Treatment of Juvenile Delinquents," *Journal of Applied Behavioral Science*, 2 (1966), 109–124.

Powers, Edwin and Helen Witmer, *An Experiment in the Prevention of Delinquency*, Columbia University Press, 1951.

Stark, Heman G., "Alternatives to Institutionalization," *Crime and Delinquency*, 13 (1967), 323–329.

Steinman, Richard, *et al., The Residential Youth Center of Downeast WICS, Inc., Portland, Maine*, U. S. Dept. of Labor, 1968.

Stephenson, Richard M. and Frank R. Scarpitti, "Essexfields: A Non-Residential Experiment in Group Centered Rehabilitation of Delinquents," *American Journal of Correction*, 31 (1969), 12–18.

Sullivan, Clyde E., *et al., Restoration of Youth Through Training*, Wakoff Research Center, Staten Island, 1967.

The Residential Center: Corrections in the Community, U. S. Bureau of Prisons, 1969.

Toby, Jackson, "The Prospects for Reducing Delinquency Rates in Industrial Societies," *Federal Probation*, 27 (1963), 23–25.

U. S. Senate Judiciary Committee, *Prisoner Work Release*, 89th Congress, Report #613, 1965.

Wall, John M., Albert Elias and Albert Axelrod, *The Residential Center as a Treatment Method for Selected Youthful Offenders*, Anchorage, 1966.

Warren, Marguerite Q. and Theodore B. Palmer, *Community Treatment Project: An Evaluation of Community Treatment for Delinquents*, California Dept. of the Youth Authority, 1965.

Warren, Marguerite Q., "The Community Treatment Project: History and Prospects," pp. 191–200 in *Law Enforcement Science and Technology*, Vol. 1, 1967.

Weber, J. Robert and Mary Mayer, *A Strategy for Action in Establishing Alternatives to Training Schools*, National Council on Crime and Delinquency, 1968.

Witt, Leonard R., *Project Develop*, New York State Executive Department, 1968.

Zalba, Serapio R., "Work Release—A Two-Pronged Effort," *Crime and Delinquency*, 13 (1967), 506–512.

IX. Prediction and Program Evaluation

Adams, Stuart, "A Cost Approach to the Assessment of Gang Rehabilitation Techniques," *Journal of Research in Crime and Delinquency*, 4 (1967), 166–182.

Adams, Stuart, "Some Findings from Correctional Caseload Research," *Federal Probation*, 31 (1967), 48–57.

An Evaluation of the Special Narcotics Program at the Massachusetts Correctional Institution, Walpole, Mass., 1969.

Babst, Dean V., *et al.*, "Comparison of Multiple Regression and Configural Analysis Techniques for Developing Base Expectancy Tables," *Journal of Research in Crime and Delinquency*, 5 (1968), 72–80.

Bailey, Walter C., "Correctional Outcome: An Evalaution of 100 Reports," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 153–160.

Briggs, Peter F. and Robert D. Wirt, "Prediction," Ch. 6 in Herbert C. Quay, ed., *Juvenile Delinquency: Research and Theory*, Van Nostrand, 1965.

Brown, Barry S., *The Impact of Institutionalization on Recidivists and First Offenders*, District of Columbia Dept. of Corrections, 1969.

Carney, Francis J., "Correctional Research and Correctional Decision-Making: Some Problems and Prospects," *Journal of Research in Crime and Delinquency*, 6 (1969), 110–122.

Costner, Herbert L., "Comparative Studies of Program Effectiveness," pp. 43–52 in *The Prevention of Crime in Medium-Sized Cities: Some Innovations in Correctional Practice*, University of Alberta, 1968.

Cowden, James E., "Predicting Institutional Adjustment and Recidivism in Delinquent Boys," *Journal of Criminal Law, Criminology and Police Science*, 57 (1966), 39–44.

Dean, Charles W., "New Directions in Parole Prediction Research," *Journal of Criminal Law, Criminology and Police Science*, 59 (1968), 214–218.

Duggan, Thomas J., "Problems in Parole Prediction: A Historical Analysis," *Social Problems*, 15 (1968), 450–458.

Duggan, Thomas J. and Charles W. Dean, "Statistical Interaction and Parole Prediction," *Social Forces*, 48 (1969), 45–49.

England, Ralph W., "A Study of Postprobation Recidivism Among 500 Federal Offenders," *Federal Probation*, 19 (1955), 10–16.

England, Ralph W., "Some Dangers in Parole Prediction," *Crime and Delinquency*, 8 (1962), 265–269.

Glaser, Daniel, "A Reconsideration of Some Parole Prediction Factors," *American Sociological Review*, 19 (1954), 335–341.

Glaser, Daniel and Richard F. Hangren, "Predicting the Adjustment of Federal Probationers," *National Probation and Parole Association Journal*, 4 (1958), 258–267.

Glaser, Daniel, "Prediction Tables as Accounting Devices for Judges and Parole Boards," *Crime and Delinquency*, 8 (1962), 239–258.

Glaser, Daniel, "The Efficacy of Alternative Approaches to Parole Prediction," *American Sociological Review*, 20 (1955), 283–287.

Glaser, Daniel, *The Effectiveness of a Prison and Parole System*, Bobbs-Merrill, 1964.

Gottfredson, Don M., "Assessment of Prediction Methods in Crime and Delinquency," Appendix K in *Juvenile Delinquency*, Task Force Report, President's Commission on Law Enforcement and Administration of Justice, Govt. Printing Office, 1967.

Grant, J. Douglas, "It's Time to Start Counting," *Crime and Delinquency*, 8 (1962), 259–264.

Grygier, Tadeusz, "Treatment Variables in Non-Linear Prediction," pp. 828–838 in Norman Johnston, *et al.*, *The Sociology of Punishment and Correction*, Wiley, 1970.

Guttmann, Evelyn S., *Effects of Short-Term Psychiatric Treatment on Boys in Two California Youth Authority Institutions*, California Dept. of the Youth Authority, 1963.
Hall, Reis H., *et al.*, *Descriptive and Comparative Study of Recidivism in Pre-Release Guidance Center Releasees*, U. S. Bureau of Prisons, 1966.
Hood, Roger, *Borstal Re-Assessed*, Heinemann, 1965.
Jesness, Carl F., *The Fricot Ranch Study*, California Dept. of the Youth Authority, 1965.
Kassebaum, Gene, D. Ward and D. Wilner, *Prison Treatment and Its Outcome*, Wiley, 1970.
Mannheim, Hermann and Leslie T. Wilkins, *Prediction Methods in Relation to Borstal Training*, British Majesty's Stationery Office, 1955.
Marris, Peter and Martin Rein, *Dilemmas of Social Reform: Poverty and Community Action in the United States*, Atherton, 1967.
Martinson. Robert M., Gene G. Kassebaum and David A. Ward, "A Critique of Research in Parole," *Federal Probation*, 28 (1964), 34–38.
Mathiesen, Thomas, "The Sociology of Prisons: Problems for Future Research," *British Journal of Sociology*, 17 (1966), 359–380.
Muthard, John E. and Neil S. Dermas, *Six Years of Rehabilitation Research*, University of Florida, 1969.
Ohlin, Lloyd E., *Selection for Parole*, Russell Sage, 1951.
Palmer, Theodore B., *An Evaluation of Differential Treatment for Delinquents*, California Dept. of the Youth Authority, 1969.
Prevention and Control of Crime and Delinquency, Space-General Corporation, El Monte, Calif., 1965.
Research in Correctional Rehabilitation, Joint Commission on Correctional Manpower and Training, 1967.
Robison, James and Gerald Smith, "The Effectiveness of Correctional Programs," *Crime and Delinquency*, 17 (1971), 67–80.
Rogers, Joseph W., "Parole Prediction in Three Dimensions: Theory, Prediction, and Perception," *Sociology and Social Research*, 52 (1968), 377–391.
Saake, Robert D., *California Juvenile Camps and Recidivism: A Follow-Up Study of Wards Released from Juvenile Camps in 1966*, California Criminal Statistics Bureau, 1969.
Scott, P. D., "Approved School Success Rates," *British Journal of Criminology*, 4 (1964), 525–556.
Seckel, Joachim P., *The Fremont Experiment: Assessment of Residential Treatment at a Youth Authority Reception Center*, California Dept. of the Youth Authority, 1967.
Spevacek, John D. and Stuart Adams, *Impact of the Youth Center on First Timers*, District of Columbia Corrections Department, 1969.
Unkovic, C. M. and W. J. Ducsay, "An Application of Configurational Analysis to the Recidivism of Juvenile Delinquent Behavior," *Journal of Criminal Law, Criminology and Police Science*, 60 (1969), 340–344.
Warren, Marguerite Q., "The Case for Differential Treatment of Delinquents," *Annals of the American Academy of Political and Social Science*, 381 (1969), 47–59.
Weeks, H. Ashley, *Youthful Offenders at Highfields*, Univ. Michigan Press, 1958.
Wilkins, Leslie T., *Evaluation of Penal Measures*, Random House, 1969.
Wilkins, Leslie T. and P. Macnaughton-Smith, "New Prediction and Classification Methods in Criminology," *Journal of Research in Crime and Delinquency*, 1 (1964), 19–32.
Wilkins, Leslie T. and Don M. Gottfredson, *Research, Demonstration and Social Action*, National Council on Crime and Delinquency, 1969.

IV PROSPECTUS

Changing the Change Agents

The system of justice is not designed for societal reform but for the correction of individuals. Its records are insufficient to identify organizational problems and mistakes in policy or practice. Its judgments are meted out in militaristic style, and the feedback of critical information is generally curtailed. Law violators, for the most part, are at the system's mercy. Employees, too, are expected to display a subservient attitude. Workers are taught to defend their administrative superiors, to accept orders without question, and to place the highest value on loyalty to their own agencies, whether such loyalty is warranted or not. It is assumed that if all the agencies of crime control can command the respect and compliance of their workers, the combined effect of these organizations will be to deter others from criminal behavior.

This philosophy has important consequences. Most workers have a high opinion of their own contributions to crime control. But they tend to downgrade the efforts of workers in other parts of the system. The police blame the courts for showing too much leniency, for example, while the courts stress the failures of psychiatrists, caseworkers, and other treatment agents. Moreover, the division of labor among these workers tends to put them in contact mainly with others who share their own views. The result is a built-in social barrier against communication between people engaged in law enforcement and those involved in treatment, a barrier that prevents these groups from learning about one another's problems.

Barriers against communication serve to highlight the conflicts inherent in the system of justice. The objective of law enforcement is to punish lawbreakers. The objective of correctional authorities, in the meantime, is to engineer the safe return of lawbreakers to the community. What one group considers a successful case may be viewed by the other as a failure. Hence the task of the courts is often to moderate these contradictory interests in the absence of any valid criteria of performance.

There are two points of agreement that hold the system together under these circumstances. One is the individualistic approach to crime control. Most workers see the reasons for crime in the make-up of the individual offender—his habits, capabilities (or lack thereof), values and attitudes. Treatment and control, as they see

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it, should accordingly be directed towards the modification of these traits. While group methods may be employed in treatment, their objective in the vast majority of cases is to conform the group's members to the norms of the broader community. Community norms are usually accepted without question.

Another point of agreement is the emphasis on official decisions. The system is almost invariably described in terms of its formal judgments, and informal decisions—such as the diversion of offenders out of the system—receive relatively little attention. Most of the system's activities are therefore neglected in research and planning. In addition, the prevention of crime is generally regarded as falling outside the system, leaving this important aspect of crime control without any official sponsorship. Most workers act as if crime prevention were an inevitable consequence of the operation of our major social institutions and in need of no other organizational support.

In the conventional view, then, criminal justice deals nearly exclusively with the official processing of law violations and law violators. It is largely disassociated from other aspects of social justice—from social reform and reconstruction, from society's efforts in the field of prevention, and from even its own informal procedures. For these reasons it does not seem likely that the system of justice, as ordinarily conceived, will engender much pressure for its own reform. Unless its workers receive new kinds of training, its relationships with other programs of community action may continue to be neglected.

The need for innovative training is not apparent where no problems are seen in the system's operation. Modern training is primarily a problem-solving technique. Its objective is to institute changes in the conduct of workers and in the system's functioning. However, changes in policies and practices cannot be achieved by isolating the workers and presenting them a set of uniform ideas. Without the examination of new ideas, training merely reinforces previous beliefs and ways of doing things. Changes are produced by presenting the workers a diversity of ideas, beliefs, and attitudes. Changes for the better also demand an objective assessment of these alternatives. Hence training requires contact between different categories of workers, especially those of different ranks in different parts of the system.

Many innovative training methods are being tested in an attempt to revitalize the system. The one reported here was conducted in the state of Washington under a grant from the President's Committee on Juvenile Delinquency and Youth Crime. Three sets of workers, forty in each set or one hundred twenty in all, participated in a series of two-week seminars one summer, followed by

another session a year later. Trainees were drawn from all parts of the justice system—police, courts, probation and parole officers, correctional institutions, and community treatment agencies. They represented all ranks of workers, from top level administrators to patrolmen, caseworkers and teachers.

Training methods included the usual lectures, demonstrations, and some practice in role playing. But they focused primarily on unguided group discussions in which eight or ten trainees met for about four hours per day, prepared their own agenda, and reported their progress in plenary sessions of approximately forty workers who attended together. Tape recordings were made of the group discussions, and observers noted each group's activities along with its interaction patterns. In addition each trainee filled out a number of questionnaires every day indicating his perceptions of the group's focal concerns and transactions.

The questionnaires were coordinated with the group's deliberations, dealing with its goals, methods of operation, norm formation, leadership, deviance and consensus. Members of the training staff, comprised mostly of university professors, made themselves available as resource aids, but they did not intervene in any group's affairs unless invited to attend a particular session. Materials from the tapes and questionnaires were occasionally fed back to the trainees in plenary sessions. This was done by the researchers in an effort to focus attention on crucial issues and points of controversy.

The training program had three immediate goals and one more distant objective. Goals were formulated as follows: 1) To help each category of workers understand better the problems and efforts of workers in other parts of the system; 2) To make workers more aware of the influence of social and cultural factors in crime causation and treatment; 3) To develop more comprehensive conceptions of the justice system and the interrelations among its constituent agencies. The more general objective was to encourage the workers to design feasible, though hopefully more effective, programs of crime control.

Project data suggest that the program's goals were attained to a remarkable degree. Workers revised their perceptions of both self and others. Initially most workers had very high estimates of their own performance in handling offenders, accompanied by relatively low estimates of the efforts of people in other occupational categories. They described themselves as being interested, practical, helpful, confident, well-trained, well-informed, and sympathetic in dealing with clients. Although the scores were not quite so high, they also believed that most clients had similarly favorable perceptions of the worker's performance. Yet they characterized

most teachers as being unsure, poorly trained, punitive, hindering, impatient, tough-minded, and authoritarian in working with delinquents. Many of the same traits were ascribed to police officers, except that these workers received even higher scores on authoritarianism, punitiveness, and attachment to conventional norms. Other occupations within the system had much the same fate, with favorable ratings going largely to workers having responsibilities similar to those of the person doing the rating.

By the end of the seminar, however, self ratings were given a more moderate assessment, while the ratings assigned to other occupational categories were significantly higher than before. Two weeks of intensive contact seemed to neutralize many tensions and animosities. Moreover, the perceptual changes remained in effect during the year between training sessions.

Attitudes towards crime causation and treatment underwent a similar transformation. In assessing relevant factors, the workers who originally emphasized an offender's personal characteristics tended to attach far greater significance to social and cultural influences by the end of the seminars. Early discussions were oriented mainly around the offender, his personal inadequacies, and the need for individualized treatment—especially treatment of a professional variety. But this gave way largely to analyses of group influences such as job training and general education, employment counseling, opportunity systems, social discrimination, and involvement of ex-offenders in community affairs. Many of the trainees argued that in future sessions offenders should be included as participants. Hence the sequence of topics in group discussions seemed to parallel fairly closely the historical evolution of correctional programs from the age of reform to the age of social reconstruction and reintegration.

In addition, all of the groups developed a sensitivity to their methods of operation. They showed much interest in alternative procedures and different styles of organization. Discussions between groups were often as vital as those within groups. No single pattern emerged, however. Some groups elected officers and developed official rules. Others operated much more informally. Yet all were able to describe their norms, to identify instances of deviant behavior among their members, to report how they coped with internal problems, and to illustrate how they tried to move progressively towards self imposed objectives. Some aimed at achieving complete consensus, establishing strict rules and dealing rather harshly with any violations. Others tolerated considerable difference of opinion, working with norms that allowed behavioral variations among members. The actual amount of deviant behavior, as reported by the researchers, was somewhat greater in

the latter groups. But these groups perceived less deviance than did the former. This reflects a negative correlation, though a slight one, between actual and perceived deviance. There also was a positive correlation between actual deviance and group productivity. In other words, the groups that did the most work and produced the greatest changes among their members were generally those that tolerated some deviance and did not expect to achieve unanimous decisions.

In the entire sample, only one trainee consistently changed his views in a direction opposite to the general trend. This was a lone police officer involved in a group of social workers who spent most of their time trying to change his attitudes. The harder they tried, however, the greater the resistance they encountered and the more firmly entrenched were the officer's opinions.

Although perceptual changes are easily demonstrated, the program's impact upon subsequent performance remains unknown. There was no control group. Nor were there any really objective measures of behavioral changes. Thus the only evidence of improved performance comes from the testimonials of trainee supervisors and co-workers. Such evidence is plentiful but of questionable validity.

Perceptual changes may nevertheless have some significance. This is reflected in the way conceptions of the justice system were revised. Instead of accepting the idea that police, courts, and correctional agencies are autonomous, the trainees began to think in terms of a unified system and to examine the linkages among its different parts. In the later sessions, group discussions dealt mainly with plans for coordinating programs, instituting new services, and reorganizing the system. All of the groups came up with proposals for system reform. These proposals comprised a major portion of their final reports.

What follows is a freely edited summary of some of the proposals. Many groups prefaced their proposals with a critique of the present system, its inadequacies and inconsistencies. High on the list of programs calling for improvement are the state correctional institutions. These institutions are admittedly well staffed, using modern treatment methods, and headed by enlightened, competent administrators. But their large size, bureaucratic organization, and remote location are seen as detriments to effective treatment. Their effects are mainly to isolate, stigmatize, and debilitate. For these reasons they should be used sparingly. There accordingly is need for a new kind of correctional system—one located in the community and oriented around people and services, rather than around physical facilities.

It is assumed that the new system will vary from one community

to another, depending upon local problems and resources. Therefore only the broad outlines of a community system can be stated with any specificity. Four sets of variables are of crucial importance in describing the planned system: fact finding and utilization, program prescriptions, program implementation, and program evaluation.

Most communities have little knowledge about local crime problems or the handling of law violators. They need descriptive information on the number and kinds of offenses that occur in a given period of time, the characteristics of offenders, the cases referred to the police, the number held in detention before trial and for how long, the use of bail and release on personal recognizance, policies concerning official charges, the number of guilty pleas, the number of reduced charges and the reasons for charge reductions, the number of trials by bench or jury, sentencing policies, the relative use of probation and institutionalization, and the use of installment fines, furloughs, work or training release, and alternatives to incaceration. They especially need factual materials on the informal processing of offenders, diversions from the system of justice, and treatment agencies that provide crime control without labeling the law violators. There generally is fairly adequate reporting on offenders confined in state institutions. But the data on police policies, court decisions, treatment of misdemeanants, and unofficial programs are often incomplete or unreliable.

Such information is essential for both effective planning and the assessment of current practices. Without it the community's residents are forced to rely on gossip, political pronouncements, or the claims made by vested interests. And the current movement towards computerized records will not suffice. These records are generally restricted to official decisions—arrests, convictions, sentences, time served, and the like. They contain insufficient background material for an evaluation of official decisions, and cases diverted from the arrest → conviction → punishment cycle are ordinarily excluded. Although these records may tell us something about the community's reaction to crime, they furnish little evidence on the amount of law violations or the causal conditions.

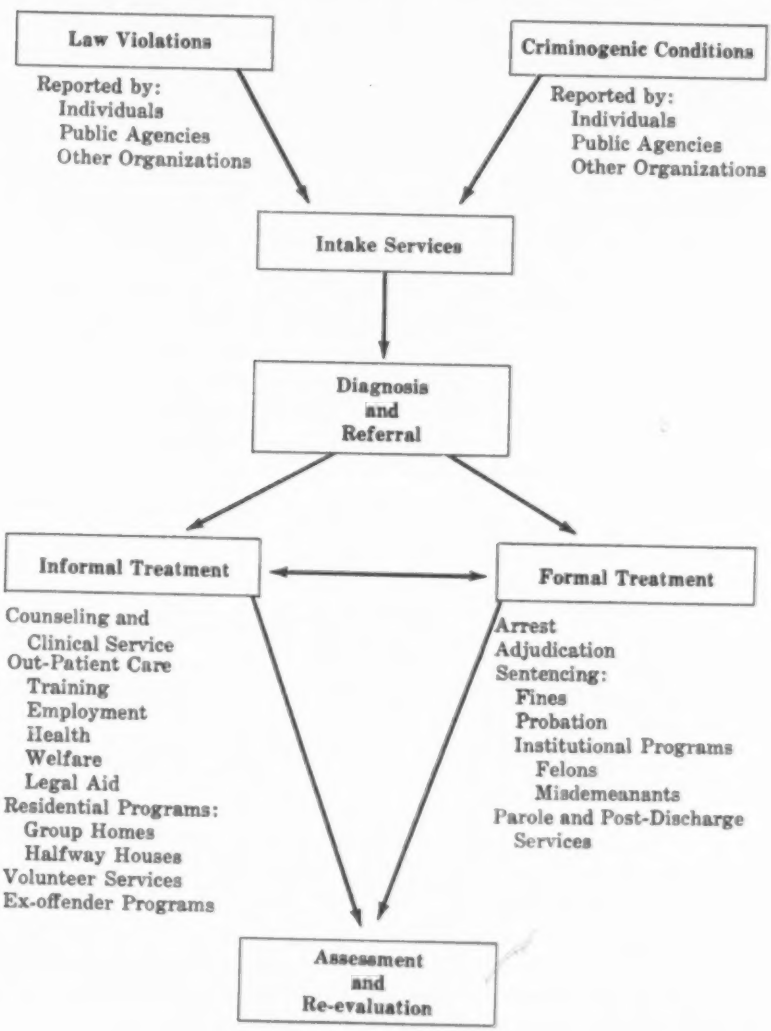
The lack of reliable evidence is only one of the problems facing a community interested in crime control. Another problem is the segmentation of services. Few communities maintain even an up-to-date listing of the agencies operating in this area. Coordination of services is consequently a difficult task.

A possible solution is for the local community to create a department of justice and security which would be responsible for integrating all crime control measures. Ideally this department would encompass the police, prosecution and defense, courts, cor-

rectional agencies, and other organizations dealing formally or informally with crime control. It would establish standards and supervise activities regarding case intake, diagnosis, referral, treatment, prevention, and program evaluation. A model for such a community corrections system is presented in Table 8.1.

Table 8.1

Simplified Model of a Community Corrections System.



According to this model, the procedures of crime control are organized on a local or regional basis. Each locality operates an intake station around the clock to receive reports of law violations, criminogenic conditions in the community, or other situations affecting peace and security. Here the reports are screened and transferred to the appropriate agency, relieving the informant of making decisions regarding which agency to call. In processing complaints, the agencies may share some of their specialized personnel. Professional workers, whether privately or publicly employed, may collaborate in preparing presentence, pretrial, or prearrest studies of offenders. Such studies should assist the authorities in determining the relative merits of official and unofficial treatment. Since both kinds of treatment are within the same system, cases can be shifted from one kind to another with little delay. Moreover, the system's experience with a variety of treatment alternatives—if carefully documented and analyzed—should enable it eventually to improve the quality of its decisions.

Procedural reforms alone cannot solve the crime problem, however. Equally important is the content of specific programs aimed at helping the offender and at crime prevention. Content is determined, first of all, by a program's design as detailed in its prescriptions. Some programs are necessarily of narrow scope and limited objectives. A correctional system must therefore coordinate many different programs and concern itself with a variety of services. Among the services directed towards the treatment of offenders, some of the most important are the following:

Safety. This involves the security of both the community and its lawbreakers. Allegations regarding the mistreatment of offenders by police, jailers, and prison officials are frequent enough to warrant special attention.

Vocational and academic training. Services include classroom instruction and tutoring, testing of offenders to determine their aptitudes and interests, certification of teachers, curriculum accreditation, granting degrees or diplomas, and making numerous procedural arrangements with public schools or related organizations.

Employment services. These entail things such as employment counseling, job finding, maintaining competence in certain trades or vocations, vocational rehabilitation, and developing the support of employers and labor unions.

Counseling and therapy. Involves clinical services, casework, group therapy, and psychiatric treatment of many kinds. Often student volunteers and paraprofessionals are used as part-time participants.

Family and welfare services. Designed to maintain minimum standards of health, food, living conditions, and child care. Some social agencies deal with the family as a unit instead of handling its members separately.

Use of volunteers and ex-offenders as treatment agents. Volunteer workers have been found useful in nearly all parts of the justice system—case intake, investigation and diagnosis, sentencing, and treatment. Ex-offenders have served effectively as consultants in community planning for crime control, staff members in residential centers, aids to probation and parole officers, assistants to the public defender, and treatment agents in special programs for alcoholics, drug abusers, and other types of offenders. Use of such agents often has beneficial side effects.

Legal aid. Most communities are deficient in providing legal services for offenders and other poor people. New methods are being tested. Law students, for instance, are gaining experience as court aids, helpers in law firms, or advisers in welfare offices and correctional agencies. Some prosecutors have established consumer protection divisions in their offices. Greater use of the ombudsman, the small claims court, and the public defender are some other examples.

The above services are intended to help offenders overcome some of their problems. However, crime is not always a consequence of personal difficulties. Social pressures are often a major factor. Wherever employment is not available or crime promises a greater payoff than unskilled labor, for example, a high rate of law violations seems inevitable. For these reasons many of the programs mentioned are equally important in crime prevention. The preventive goals, in general, are to provide greater opportunities for achievement by legitimate means, to make criminal behavior less profitable, to reduce the amount of discrimination against minority groups, to improve the social position of the disadvantaged, and to revitalize the processes of democracy in an urban society. To the extent that these goals are attained, the incentive for criminality may be lessened.

Not all of these programs are proficient in preventing crime and reforming offenders. Many fail because they are not well formulated or fully implemented. Others are regarded as failures when too much is expected of them. Even if there is little effect on the crime rate, some programs may render needed services and have a beneficial impact on public policies. If they counteract injustice and social disorganization, they may be worthwhile.

Current knowledge and commitment may be insufficient to solve the crime problem. If so, one of the most important steps a com-

munity can take is to develop information and involvement among its members. The experience gained in planning and implementing a correctional system may help to produce the needed expertise and motivation. Though destined to fail in the beginning, it may lay a foundation for more effective methods. This, in the judgment of our trainees, is the road to crime control.

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